



450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

**Town Council Regular Meeting**  
**450 S. Parish, Johnstown, CO**  
**Monday, March 17, 2025 at 7:00 PM**

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Mission Statement: Enhancing the quality of life of our residents, businesses, and visitors through community focused leadership.

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**Agenda**

**Call to Order**

**Roll Call**

**Agenda Approval**

**Special Presentations**

1. Presentation & Donation to Johnstown Senior Center

**Public Comment**

Members of the audience are invited to speak at the meeting. Public Comment is reserved for citizen comments on items not contained on the Public Hearing portion of the agenda. Citizen comments are limited to 5 minutes per speaker. When several people wish to speak on the same position on a given item, they are requested to select a spokesperson to state that position.

**Consent Agenda**

The Consent Agenda is a group of routine matters to be acted on with a single motion and vote. Council or staff may request an item be removed from the Consent Agenda and placed on the Regular Agenda for discussion.

2. March 3, 2025 Town Council Meeting Minutes
3. February 2025 Financial Statements
4. Second Reading Ordinance 2025-267: Insurance Benefits for Part-Time Employees and Elected Officials
5. Second Reading Ordinance 2025-266: Adding Section 13-10(G) to the Johnstown Municipal Code Concerning Access to Indoor Water Meters and Repealing and Readopting Article VI of Chapter 13 of the Johnstown Municipal Code Concerning Water Conservation

**Town Manager Report**

**Old Business**

## **New Business**

6. Resolution 2025-08: Declaring Water Conservation Level 2
7. Beer and Wine Liquor License Renewal for Fabulous Nail and Bar
8. Resolution 2025-09: Declaring a Short-Term Moratorium on the Town of Johnstown's Acceptance of the Dedication of Consolidated Home Supply Ditch & Reservoir Company Water Shares Adjudicated for Municipal Use in District Court, Water Division No. 1, Case No. 20CW3011, and the Dedication of Water Shares That Have Not Been Adjudicated for Municipal Use

## **Public Hearing**

9. Ordinance 2025-268: Amending the Johnstown Municipal Code Concerning Special Police Officers
10. Ordinance 2025-269: For the Regulation of Traffic by the Town of Johnstown; Adopting by Reference the 2024 edition of the Model Traffic Code; Providing for Certain Deletions from and Additions and Modifications to such Code; Repealing all Ordinances in conflict therewith; and providing penalties for violations thereof.
11. Ordinance 2025-265: Change of Zone for Waggoner Farms
12. Resolution 2025-06: Preliminary Plat for Waggoner Farms

## **Council Reports and Comments**

### **Mayor's Comments**

### **Informational Items**

13. Informational Items

### **Executive Session**

14. An Executive Session to Discuss a Personnel Matter Under C.R.S. Section 24-6-402(4)(f) - Town Manager Evaluation

## **Adjourn**

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### **Americans with Disabilities Act Notice**

In accordance with the Americans with Disabilities Act and other applicable laws, persons who need accommodation in order to attend or participate in this meeting should contact Town Hall at 970-587-4664 no later than 48 hours before the meeting in order to request such assistance. De conformidad con la Ley de Discapacitados Estadounidenses y otras leyes vigentes, los individuos que necesitan adaptaciones funcionales para asistir o participar en esta reunión deberán comunicarse con la Municipalidad marcando el 970 587- 4664 a lo más tardar 48 horas antes de dicha reunión para solicitarla.

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## THE COMMUNITY THAT CARES





450 S. Parish Avenue  
Johnstown, CO 80534  
970.587.4664  
JohnstownCO.gov

## **TOWN COUNCIL REGULAR MEETING**

**450 S. Parish, Johnstown, CO**  
**Monday, March 3, 2025 @ 7:00 PM**

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### **MINUTES**

#### **CALL TO ORDER**

At 7:03 Mayor Duncan called the meeting to order.

#### **PLEDGE OF ALLEGIANCE**

Mayor Duncan invited attendees to join in the Pledge of Allegiance.

#### **ROLL CALL**

Present:

Councilmember Berg  
Councilmember Menzies  
Councilmember Morris  
Mayor Pro Tem Young  
Councilmember Paranto  
Mayor Duncan

Absent:

Councilmember Molinar

#### **AGENDA APPROVAL**

Mayor Duncan indicated that a proclamation for Women's History Month would be added to Special Presentations.

*Motion by Councilmember Berg and seconded by Councilmember Paranto to approve the amended agenda.*

*Upon vote, the motion passed unanimously.*

*The Community that Cares*



## **SPECIAL PRESENTATIONS**

New Employee Introductions: Town Manager Matt LeCerf introduced Communications, Marketing and Events Manager Samantha Knowlton.

Communications, Marketing, and Events Manager Samantha Knowlton introduced Communications and Engagement Specialist Michaela Telck.

Business of the Month: Economic Development Manager Sarah Crosthwaite introduced The Screamin Peach as the March Business of the Month.

Proclamation for Women's History Month: Mayor Duncan proclaimed the month of March as Women's History Month.

## **PUBLIC COMMENT**

Robin Denman, 601 N. 2<sup>nd</sup> Street, addressed the crosswalk at Highway 60 and asked for crossing guards to help students safely cross.

## **CONSENT AGENDA**

Mayor Duncan removed Resolution 2025-07 from the consent agenda and added it to New Business.

*Motion by Councilmember Paranto and seconded by Councilmember Morris to approve the consent agenda which contained the following items:*

- First Amendment to Building Division Services Agreement with SAFEbuilt Colorado, LLC
- February 2025 List of Bills
- February 19, 2025 Town Council Meeting Minutes

*Upon vote, motion passed unanimously.*

## **TOWN MANAGER REPORT**

Town Manager Matt LeCerf provided a report.

## **TOWN ATTORNEY REPORT**

Town Attorney Avi Rocklin was available for questions.

## **NEW BUSINESS**

Contract Modification Order #3 – Alfred Benesch & Company Sandra Drive Storm Drainage: Senior Project Manager Brandon Torrez presented the proposed modification order. A representative from Aldred Benesch was present and addressed Council.

*Motion by Councilmember Berg and seconded by Councilmember Paranto to approve the change order from Alfred Benesch & Company for a total project design cost of \$714,971.00.*

*Upon vote, the motion passed unanimously.*

Property Lease Agreement for 5255 Ronald Raegen Blvd: Town Manager Matt LeCerf presented.

*Motion by Councilmember Morris and seconded by Councilmember Berg to authorize the Town Manager and Town Attorney to work together and negotiate the best deal for Suite 001-B at 5255 Ronald Reagan Boulevard.*

*Upon vote, the motion passed unanimously.*

Resolution 2025-07 Payment to Northern Colorado YMCA for Town of Johnstown Recreation Center Facility Management Agreement: Town Manager Matt LeCerf presented. Council requested that this item be moved to a work session with the YMCA. The work session was scheduled for March 24, 2025, at 6PM.

## **PUBLIC HEARING**

Ordinance 2025-266 Adding section 13-10(g) to the Johnstown Municipal Code Concerning Access to Indoor Water Meters and Repealing and Readopting Article V of Chapter 13 of the Johnstown Municipal Code Concerning Water Conservation:

At 8:11 Mayor Duncan opened the public hearing.

Town Manager Matt LeCerf presented the proposed ordinance.

At 8:43 Mayor Duncan closed the public hearing.

*Motion by Councilmember Berg and seconded by Mayor Pro Tem Young to approve Ordinance 2025-266 upon 1<sup>st</sup> reading with the amendment of the Town Manager to notify property management.*

*Upon vote, the motion passed unanimously.*

Ordinance 2025-267 Authorizing Health, Vision, Dental and Life Insurance Benefits for the Mayor, Councilmembers and Part-Time Employees and Adding Section 2-26 to Article I of Chapter 2 of the Johnstown Municipal Code:

At 8:45 Mayor Duncan opened the public hearing.

Town Manager Matt LeCerf presented

At 8:57 Mayor Duncan closed the public hearing.

*Motion by Councilmember Morris and seconded by Councilmember Paranto to approve Ordinance 2025-267 as presented on first reading.*

*Upon vote, the motion passed unanimously.*

## **COUNCIL REPORTS AND COMMENTS**

Councilmember Berg: Nothing at this time.

Councilmember Menzies: She asked if staff knew what was happening with the mental healthcare facility.

Mayor Pro Tem Young: He mentioned that the library is working with the school district to expand services to the old middle school building in Milliken.

Councilmember Morris: She asked about the library snow removal and whether that had been resolved.

Councilmember Paranto: Nothing at this time.

## **MAYOR'S COMMENTS**

Mayor Duncan: He reminded Councilmembers to send their feedback for the Town Manager's review. He also took a moment to acknowledge Black History Month and shared a quote from Dr. King.

**ADJOURNMENT**

There being no further business for the Town Council, Mayor Duncan adjourned the meeting at 9:01 pm.

Approved by Town Council:

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Michael P. Duncan, Mayor

Attest:

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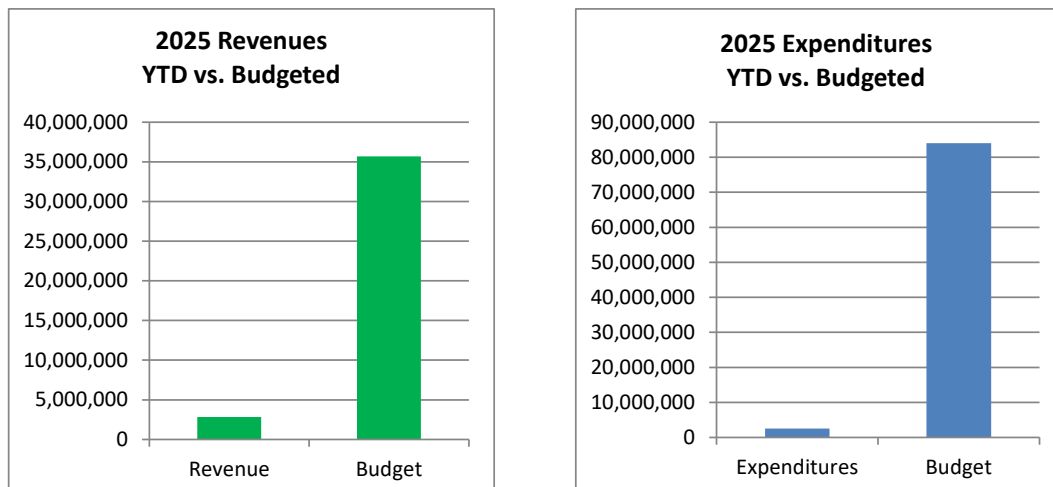
Meghan C. Martinez, MMC, Town Clerk

Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - General Fund  
Period Ending February 28, 2025  
Unaudited

| General Fund                                                                   | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance*                                                        | 84,695,137                  | 84,695,137                |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Taxes & Fees                                                                   | 810,412                     | 31,531,138                | 2.6%          |
| Licenses & Permits                                                             | 756,272                     | 2,541,100                 | 29.8%         |
| Fines & Forfeitures                                                            | 34,620                      | 275,000                   | 12.6%         |
| Intergovernmental                                                              | 8,636                       | 50,000                    | 17.3%         |
| Earnings on Investment                                                         | 606,170                     | 900,000                   | 67.4%         |
| Miscellaneous Revenue                                                          | 630,725                     | 400,000                   | 157.7%        |
| <i>Transfers In</i>                                                            | -                           | -                         |               |
| Total Operating Revenues                                                       | 2,846,835                   | 35,697,238                | 8.0%          |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Legislative                                                                    | 160,769                     | 3,426,660                 | 4.7%          |
| Town Manager                                                                   | 197,993                     | 3,074,535                 | 6.4%          |
| Town Clerk                                                                     | 106,200                     | 671,200                   | 15.8%         |
| Events                                                                         | 2,000                       | 326,120                   | 0.6%          |
| Finance                                                                        | 62,399                      | 997,330                   | 6.3%          |
| Planning                                                                       | 114,708                     | 1,217,345                 | 9.4%          |
| Reimbursements                                                                 | 34,444                      | 350,000                   | 9.8%          |
| Engineering                                                                    | 145,496                     | 1,238,540                 | 11.7%         |
| Police                                                                         | 1,181,477                   | 10,441,960                | 11.3%         |
| Public Works                                                                   | 101,550                     | 885,100                   | 11.5%         |
| Buildings                                                                      | 121,325                     | 5,394,200                 | 2.2%          |
| <i>Transfers Out</i>                                                           | 322,707                     | 55,978,124                | 0.6%          |
| Total Expenditures                                                             | 2,551,068                   | 84,001,114                | 3.0%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>295,767</b>              | <b>(48,303,876)</b>       |               |
| Prior Period Adjustment                                                        |                             |                           |               |
| <b>Ending Fund Balance*</b>                                                    | <b>84,990,904</b>           | <b>36,391,261</b>         |               |

\* - Unaudited

16% of the fiscal year has elapsed

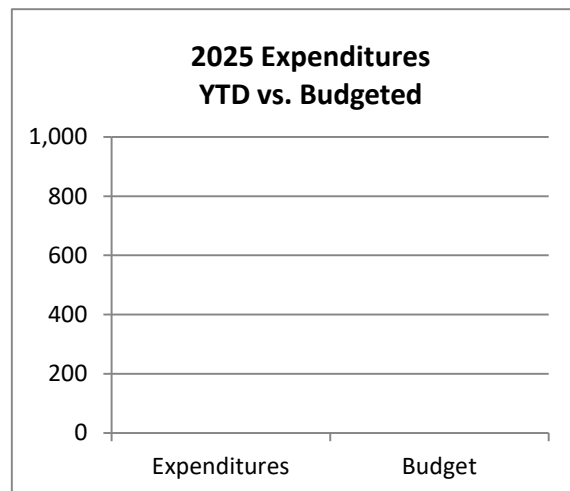
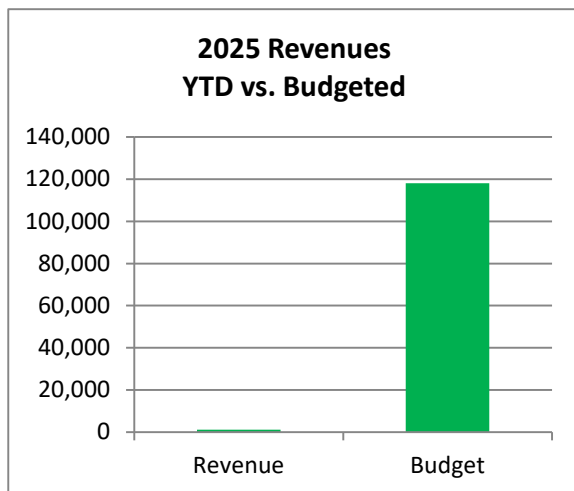


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Conservation Trust Fund  
Period Ending February 28, 2025  
Unaudited

| Conservation Trust Fund                                                        | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %        |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|----------|
|                                                                                |                             |                           | Complete |
| Beginning Fund Balance*                                                        | 25,540                      | 25,540                    |          |
| <b><u>Revenues:</u></b>                                                        |                             |                           |          |
| Intergovernmental                                                              | -                           | 115,000                   | 0.0%     |
| Earnings on Investment                                                         | 1,157                       | 3,000                     | 38.6%    |
| Transfers In                                                                   | -                           | -                         |          |
|                                                                                | <hr/>                       | <hr/>                     |          |
| Total Operating Revenues                                                       | 1,157                       | 118,000                   | 1.0%     |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |          |
| Operations                                                                     | -                           | -                         |          |
| Capital Outlay                                                                 | -                           | -                         |          |
| Transfers Out                                                                  | -                           | -                         |          |
|                                                                                | <hr/>                       | <hr/>                     |          |
| Total Expenditures                                                             | -                           | -                         |          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <hr/>                       | <hr/>                     |          |
|                                                                                | 1,157                       | 118,000                   |          |
| <b>Ending Fund Balance*</b>                                                    | <hr/>                       | <hr/>                     |          |
|                                                                                | 26,697                      | 143,540                   |          |

\* - Unaudited

16% of the fiscal year has elapsed

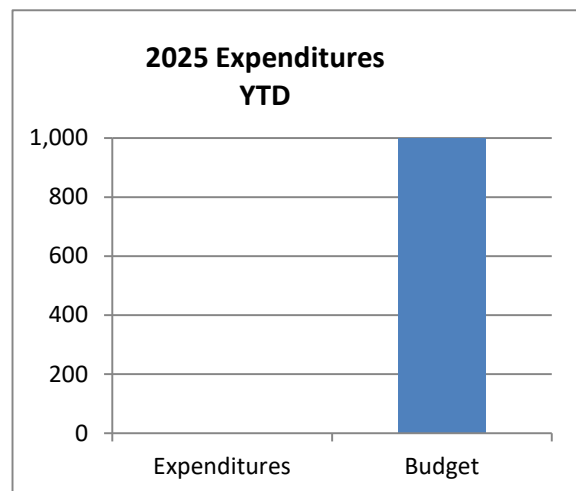
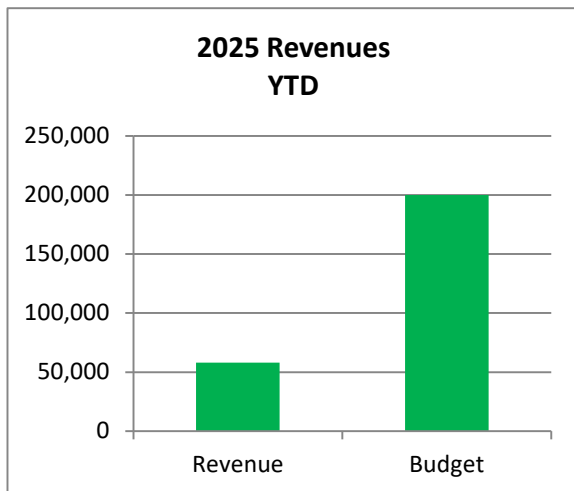


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Arts and Culture Fund  
Period Ending February 28, 2025  
Unaudited

| Arts & Culture Fund                                                            | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance*                                                        | 430,126                     | 430,126                   |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Intergovernmental                                                              | 57,923                      | 200,000                   | 29.0%         |
| Earnings on Investment                                                         | -                           |                           |               |
| Total Operating Revenues                                                       | 57,923                      | 200,000                   |               |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Operations                                                                     | -                           | -                         |               |
| Capital Outlay                                                                 | -                           | 150,000                   | 0.0%          |
| Total Expenditures                                                             | -                           | 150,000                   |               |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>57,923</b>               | <b>50,000</b>             |               |
| <b>Ending Fund Balance*</b>                                                    | <b>488,049</b>              | <b>480,126</b>            |               |

\* - Unaudited

16% of the fiscal year has elapsed

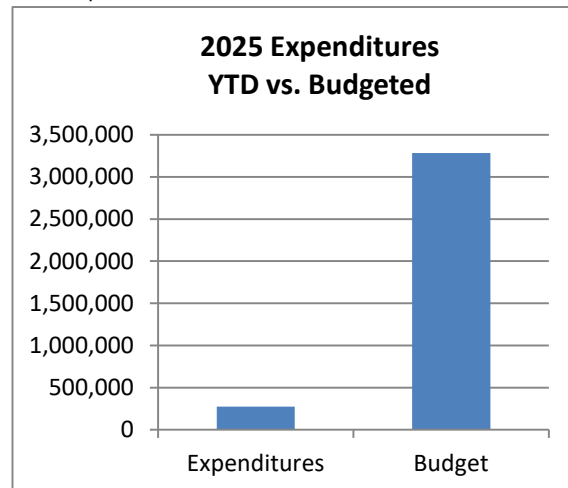
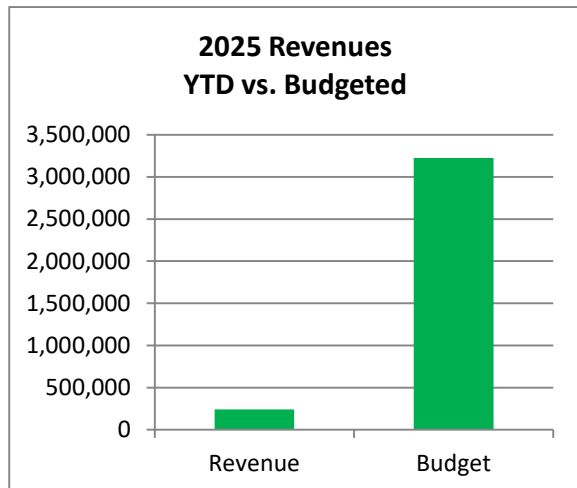


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Parks and Open Space Fund  
Period Ending February 28, 2025  
Unaudited

|                                                                                | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| <b>Parks and Open Space Fund</b>                                               |                             |                           |               |
| Beginning Fund Balance*                                                        | 8,760,894                   | 8,760,894                 |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Taxes & Fees                                                                   | 210,821                     | 968,482                   | 21.8%         |
| License & Permit                                                               | 0                           | 500                       | 0.0%          |
| Earnings on Investment                                                         | 23,011                      | 75,000                    | 30.7%         |
| Miscellaneous Revenue                                                          | 7,799                       | 40,000                    | 19.5%         |
| <i>Transfers In</i>                                                            | 0                           | 2,140,000                 | 0.0%          |
| Total Operating Revenues                                                       | 241,631                     | 3,223,982                 | 7.5%          |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Operations                                                                     | 143,624                     | 1,272,140                 | 11.3%         |
| Capital Outlay                                                                 | 128,878                     | 2,011,600                 | 6.4%          |
| <i>Transfers Out</i>                                                           | -                           | -                         |               |
| Total Expenditures                                                             | 272,502                     | 3,283,740                 | 8.3%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>(30,871)</b>             | <b>(59,758)</b>           |               |
| <b>Ending Fund Balance*</b>                                                    | <b>8,730,023</b>            | <b>8,701,136</b>          |               |

\* - Unaudited

16% of the fiscal year has elapsed



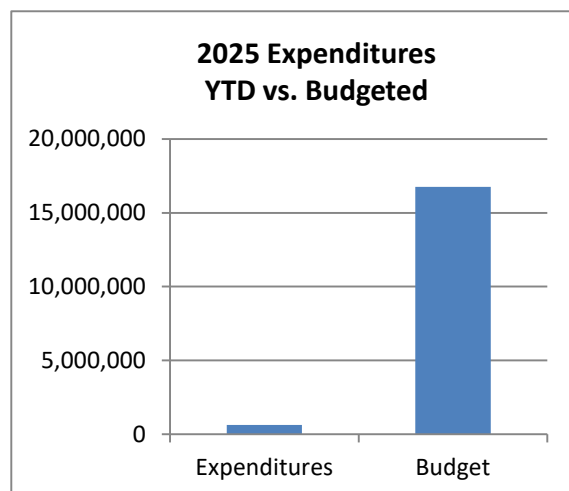
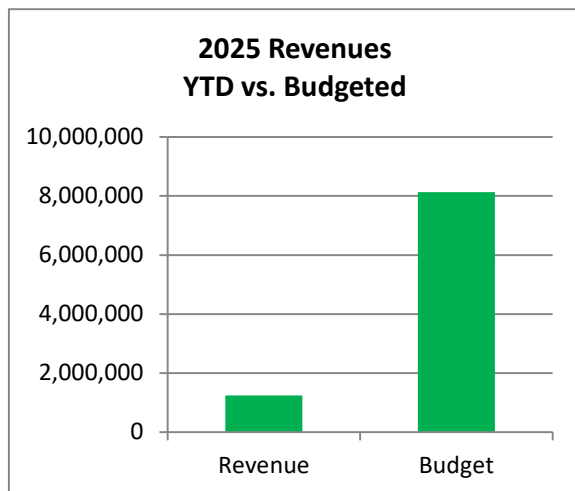


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Street and Alley Fund  
Period Ending February 28, 2025  
Unaudited

| Street and Alley Fund                                                          | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance*                                                        | 26,672,762                  | 26,672,762                |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Taxes & Fees                                                                   | 477,359                     | 5,603,000                 | 8.5%          |
| Intergovernmental                                                              | 11,973                      | 130,000                   | 9.2%          |
| Charges for Services                                                           | 189,882                     | 1,050,000                 | 18.1%         |
| Capital Investment Fees                                                        | 379,116                     | 1,020,940                 | 37.1%         |
| Earnings on Investment                                                         | 179,600                     | 100,000                   | 179.6%        |
| Miscellaneous Revenues                                                         | 10,118                      | 225,000                   | 4.5%          |
| Tranfers In                                                                    | -                           | -                         |               |
| Total Operating Revenues                                                       | <u>1,248,047</u>            | <u>8,128,940</u>          | 15.4%         |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Operations & Maintenance                                                       | 397,385                     | 5,875,260                 | 6.8%          |
| Capital                                                                        | <u>237,821</u>              | <u>10,889,500</u>         | 2.2%          |
| Total Expenditures                                                             | <u>635,207</u>              | <u>16,764,760</u>         | 3.8%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <u><b>612,841</b></u>       | <u><b>(8,635,820)</b></u> |               |
| <b>Ending Fund Balance*</b>                                                    | <u><b>27,285,603</b></u>    | <u><b>18,036,942</b></u>  |               |

\* - Unaudited

16% of the fiscal year has elapsed

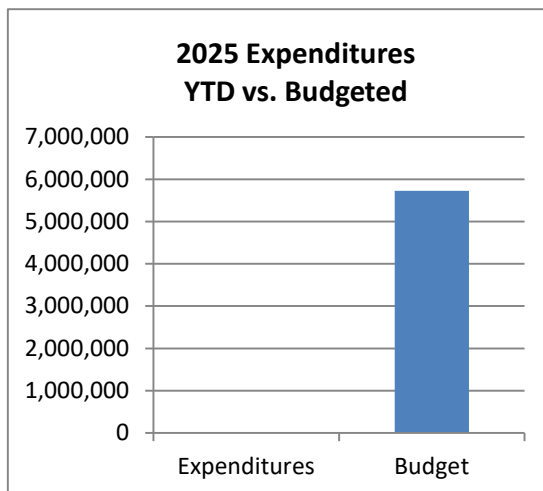
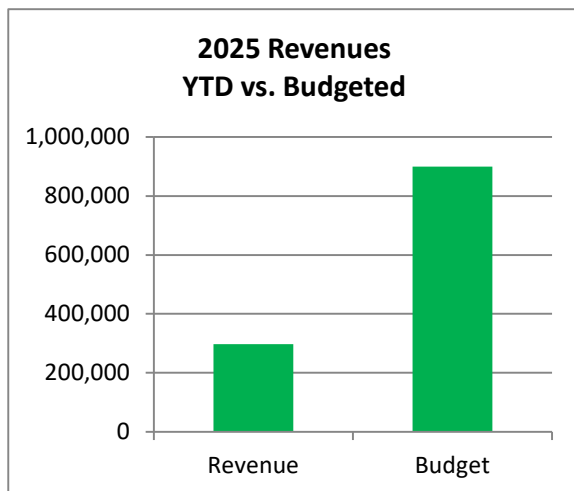


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Capital Projects Fund  
Period Ending February 28, 2025  
Unaudited

|                                                                                | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| <b>Capital Projects Fund</b>                                                   |                             |                           |               |
| Beginning Fund Balance*                                                        | 13,154,908                  | 13,154,908                |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Taxes and Fees                                                                 | 239,802                     | 850,000                   | 28.2%         |
| Miscellaneous Revenue                                                          | -                           | -                         |               |
| Interest                                                                       | 57,477                      | 100,000                   | 57.5%         |
| <i>Transfers In</i>                                                            | -                           | (50,000)                  | 0.0%          |
| Total Operating Revenues                                                       | 297,279                     | 900,000                   | 33.0%         |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Capital Outlay                                                                 | 7,796                       | 5,723,000                 |               |
| <i>Transfers Out</i>                                                           | -                           | -                         |               |
| Total Expenditures                                                             | 7,796                       | 5,723,000                 | 0.1%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>289,482</b>              | <b>(4,823,000)</b>        |               |
| <b>Ending Fund Balance*</b>                                                    | <b>13,444,390</b>           | <b>8,331,908</b>          |               |

\* - Unaudited

16% of the fiscal year has elapsed

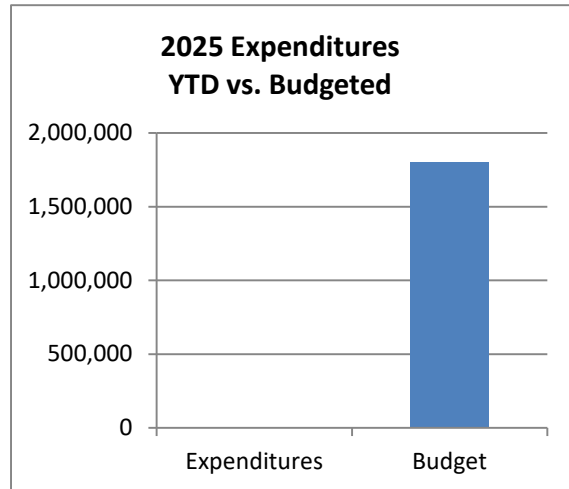
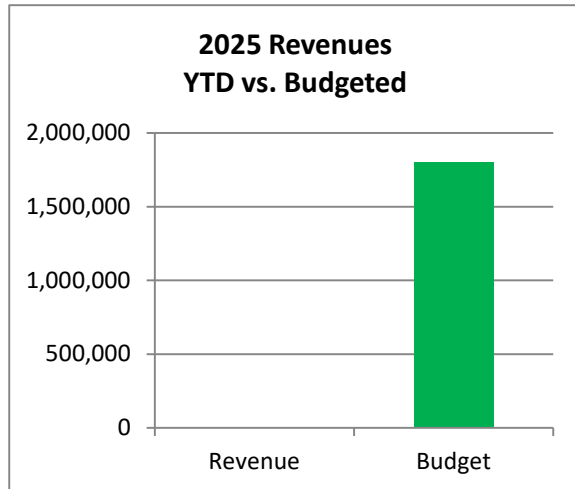


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Tax Allocation Fund  
Period Ending February 28, 2025  
Unaudited

| <b>Tax Allocation Fund</b>                                                     | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| Beginning Fund Balance*                                                        | 41,435                      | 41,435                    |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Taxes & Fees                                                                   | -                           | 1,800,000                 | 0.0%          |
| Earnings on Investment                                                         | -                           | -                         |               |
| Total Operating Revenues                                                       | -                           | 1,800,000                 | 0.0%          |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Miscellaneous                                                                  | -                           | 1,800,000                 | 0.0%          |
| Total Expenditures                                                             | -                           | 1,800,000                 | 0.0%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | -                           | -                         |               |
| <b>Ending Fund Balance*</b>                                                    | <b>41,435</b>               | <b>41,435</b>             |               |

\* - Unaudited

16% of the fiscal year has elapsed

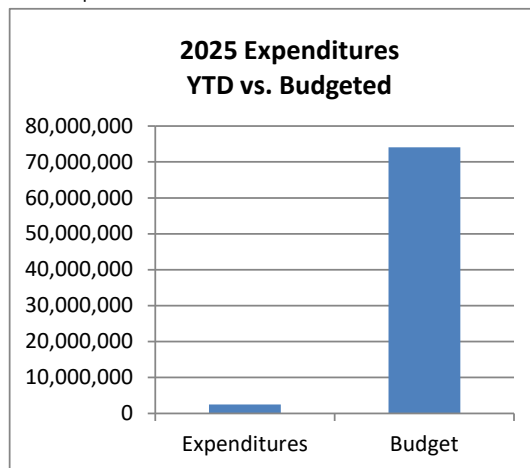
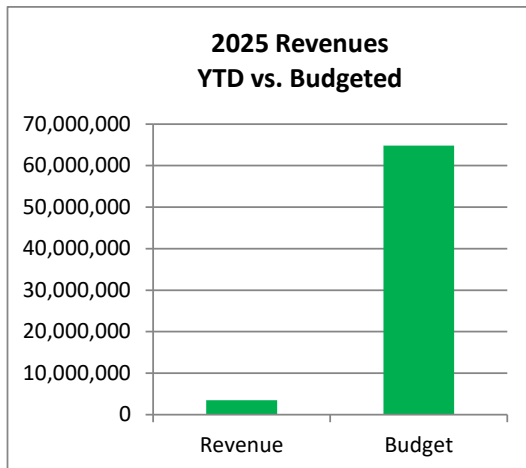


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Water Fund  
Period Ending February 28, 2025  
Unaudited

| <b>Water Fund</b>                                                          | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|----------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| Beginning Cash Balance*                                                    | 102,695,349                 | 102,695,349               |               |
| <b><u>Revenues:</u></b>                                                    |                             |                           |               |
| Charges for Services                                                       | 1,166,121                   | 7,815,000                 | 14.9%         |
| Total Operating Revenues                                                   | 1,166,121                   | 7,815,000                 | 14.9%         |
| <b><u>Expenses:</u></b>                                                    |                             |                           |               |
| Administration                                                             | 30,387                      | 358,050                   | 8.5%          |
| Operations                                                                 | 695,561                     | 4,895,920                 | 14.2%         |
| Capital Outlay                                                             | 1,546,419                   | 62,859,000                | 2.5%          |
| Depreciation                                                               | 200,000                     | 1,200,000                 | 16.7%         |
| Debt                                                                       | -                           | 4,790,750                 | 0.0%          |
| Transfers Out                                                              | -                           | -                         |               |
| Total Operating Expenses                                                   | 2,472,367                   | 74,103,720                | 3.3%          |
| Operating Income (Loss)                                                    | (1,306,246)                 | (66,288,720)              |               |
| <b><u>Non-Operating Revenues (Expenses)</u></b>                            |                             |                           |               |
| Tap Fees                                                                   | 794,475                     | 2,230,000                 | 35.6%         |
| Capital Investment Fees                                                    | 779,310                     | 2,125,000                 | 36.7%         |
| Misc. Revenues                                                             | 167,276                     | 51,491,250                | 0.3%          |
| Interest                                                                   | 580,006                     | 1,200,000                 | 48.3%         |
| Debt Proceeds                                                              | 0                           | 0                         |               |
| Total Non-Operating Revenues (Expenses)                                    | 2,321,067                   | 57,046,250                | 4.1%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b>1,014,821</b>            | <b>(9,242,470)</b>        |               |
| <b>Ending Cash Balance*</b>                                                | <b>103,710,170</b>          | <b>\$ 93,452,879</b>      |               |

\* - Unaudited

16% of the fiscal year has elapsed

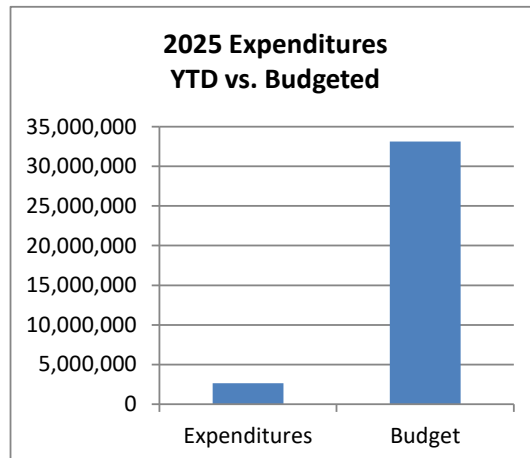
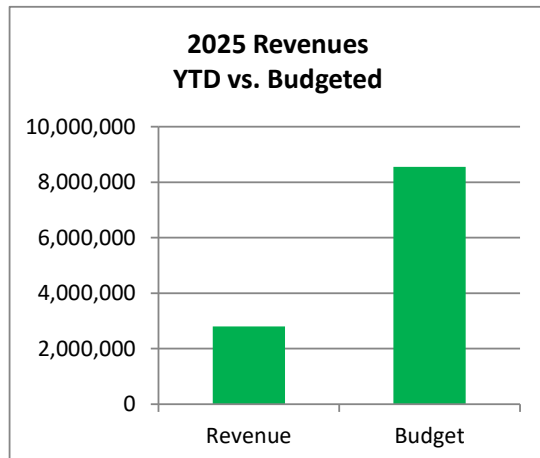


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Sewer Fund  
Period Ending February 28, 2025  
Unaudited

|                                                                            | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|----------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| <b>Sewer Fund</b>                                                          |                             |                           |               |
| Beginning Cash Balance*                                                    | 52,274,698                  | 52,274,698                |               |
| <b><u>Revenues:</u></b>                                                    |                             |                           |               |
| Charges for Services                                                       | 891,391                     | 4,364,250                 | 20.4%         |
| Total Operating Revenues                                                   | 891,391                     | 4,364,250                 | 20.4%         |
| <b><u>Expenses:</u></b>                                                    |                             |                           |               |
| Administration                                                             | 30,319                      | 266,900                   | 11.4%         |
| Operations                                                                 | 422,874                     | 2,871,200                 | 14.7%         |
| Capital Outlay                                                             | 1,953,138                   | 25,814,000                | 7.6%          |
| Depreciation                                                               | 240,000                     | 1,400,000                 | 17.1%         |
| Debt Service                                                               | -                           | 2,769,900                 | 0.0%          |
|                                                                            | -                           | -                         |               |
| Total Operating Expenses                                                   | 2,646,332                   | 33,122,000                | 8.0%          |
| Operating Income (Loss)                                                    | (1,754,941)                 | (28,757,750)              |               |
| <b><u>Non-Operating Revenues (Expenses)</u></b>                            |                             |                           |               |
| Capital Improvement Fees                                                   | 1,529,430                   | 3,860,213                 | 39.6%         |
| Misc. Revenues                                                             | -                           | 25,000                    | 0.0%          |
| Interest                                                                   | 383,949                     | 1,300,000                 | 29.5%         |
| Transfers In/(Out)                                                         | -                           | (1,000,000)               |               |
| Total Non-Operating Revenues (Expenses)                                    | 1,913,379                   | 4,185,213                 | 45.7%         |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b>158,439</b>              | <b>(24,572,537)</b>       |               |
| <b>Ending Cash Balance*</b>                                                | <b>52,433,137</b>           | <b>27,702,161</b>         |               |

\* - Unaudited

16% of the fiscal year has elapsed

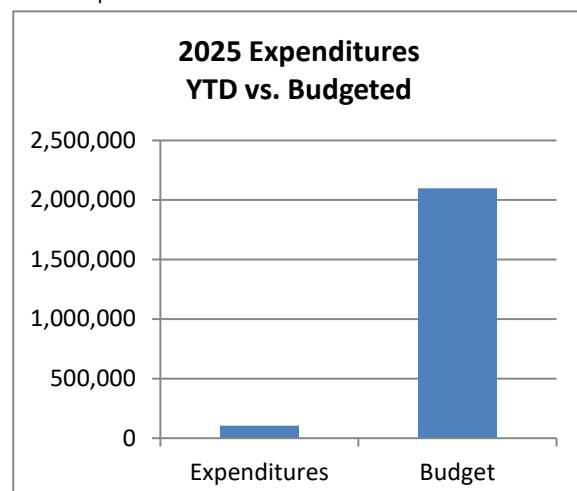
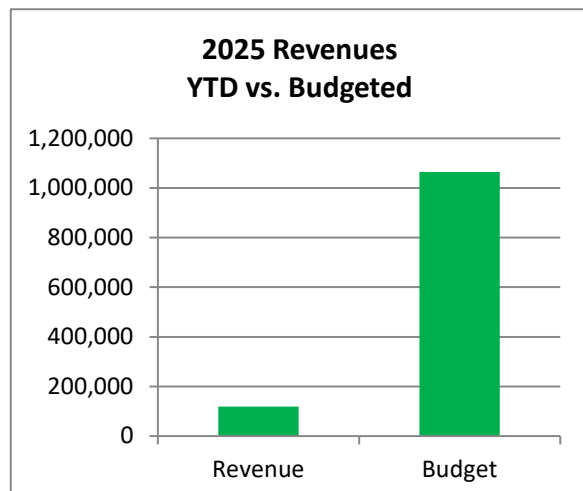


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Drainage Fund  
Period Ending February 28, 2025  
Unaudited

| Drainage Fund                                                              | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %        |
|----------------------------------------------------------------------------|-----------------------------|---------------------------|----------|
|                                                                            |                             |                           | Complete |
| Beginning Cash Balance*                                                    | 4,852,055                   | 4,852,055                 |          |
| <b><u>Revenues:</u></b>                                                    |                             |                           |          |
| Charges for Services                                                       | 101,324                     | 560,000                   | 18.1%    |
| Total Operating Revenues                                                   | 101,324                     | 560,000                   | 18.1%    |
| <b><u>Expenses:</u></b>                                                    |                             |                           |          |
| Administration                                                             | 20,648                      | 96,550                    | 21.4%    |
| Operations                                                                 | 49,849                      | 747,900                   | 6.7%     |
| Capital Improvements                                                       | 33,137                      | 1,254,200                 | 2.6%     |
| Transfer Out                                                               | -                           | -                         |          |
| Total Operating Expenses                                                   | 103,634                     | 2,098,650                 | 4.9%     |
| Operating Income (Loss)                                                    | (2,310)                     | (1,538,650)               |          |
| <b><u>Non-Operating Revenues (Expenses)</u></b>                            |                             |                           |          |
| Capital Revenues                                                           | -                           | 250,000                   | 0.0%     |
| Misc. Revenues                                                             | -                           | 228,780                   | 0.0%     |
| Interest                                                                   | 18,158                      | 25,000                    | 72.6%    |
| Total Non-Operating Revenues (Expenses)                                    | 18,158                      | 503,780                   | 3.6%     |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenses</b> | <b>15,847</b>               | <b>(1,034,870)</b>        |          |
| <b>Ending Cash Balance*</b>                                                | <b>4,867,902</b>            | <b>3,817,185</b>          |          |

\* - Unaudited

16% of the fiscal year has elapsed

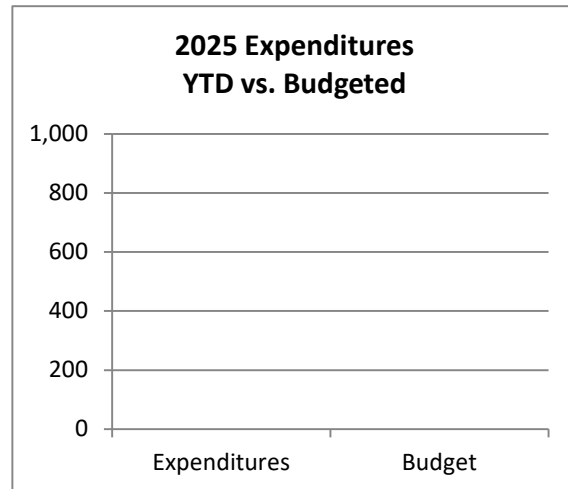
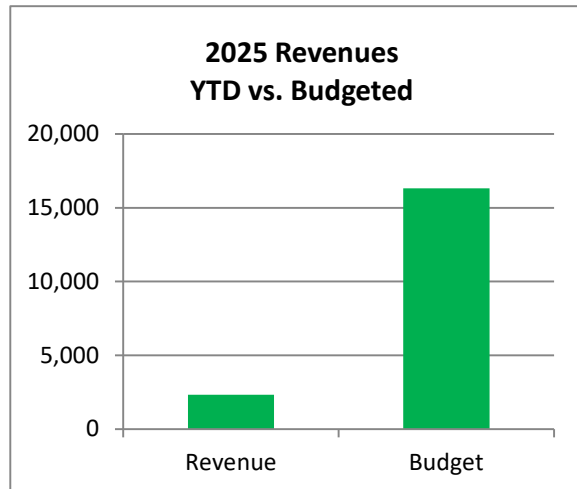


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Cemetery Perpetual Fund  
Period Ending February 28, 2025  
Unaudited

|                                                                                | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| <b>Cemetery Perpetual Fund</b>                                                 |                             |                           |               |
| Beginning Fund Balance*                                                        | 207,231                     | 207,231                   |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| Miscellaneous Revenue                                                          | 1,376                       | 12,560                    | 11.0%         |
| Earnings on Investment                                                         | 947                         | 3,750                     | 25.3%         |
| Total Operating Revenues                                                       | 2,324                       | 16,310                    | 14.2%         |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Operations & Maintenance                                                       | -                           | -                         |               |
| Capital Outlay                                                                 | -                           | -                         |               |
| Transfers Out                                                                  | -                           | -                         |               |
| Total Expenditures                                                             | -                           | -                         |               |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | <b>2,324</b>                | <b>16,310</b>             |               |
| <b>Ending Fund Balance*</b>                                                    | <b>209,555</b>              | <b>223,541</b>            |               |

\* - Unaudited

16% of the fiscal year has elapsed

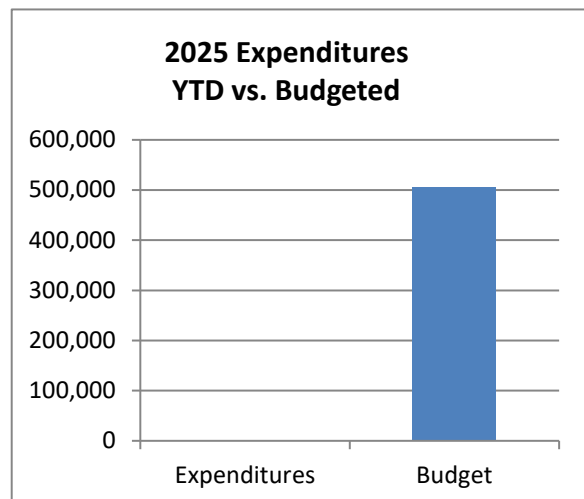
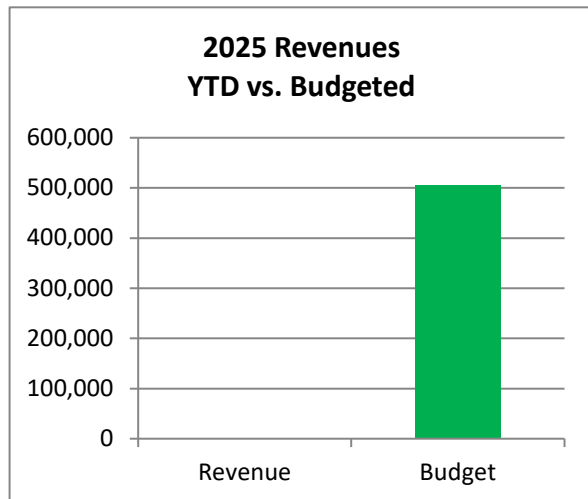


Town of Johnstown, Colorado  
Statement of Revenues, Expenditures, and Changes in  
Fund Balances - Recreation Center Fund  
Period Ending February 28, 2025  
Unaudited

|                                                                                | 2025<br>Actuals<br>February | 2025<br>Adopted<br>Budget | %<br>Complete |
|--------------------------------------------------------------------------------|-----------------------------|---------------------------|---------------|
| <b>Recreation Center Fund</b>                                                  |                             |                           |               |
| Beginning Fund Balance*                                                        | 239,367                     | 239,367                   |               |
| <b><u>Revenues:</u></b>                                                        |                             |                           |               |
| State Grants                                                                   | -                           | 0                         |               |
| Transfers In                                                                   | -                           | 505,000                   | 0.0%          |
| Earnings on Investment                                                         | -                           | -                         |               |
| Total Operating Revenues                                                       | -                           | 505,000                   |               |
| <b><u>Expenditures:</u></b>                                                    |                             |                           |               |
| Operations & Maintenance                                                       | -                           | 505,000                   | 0.0%          |
| Capital Outlay                                                                 | -                           | -                         |               |
| Total Expenditures                                                             | -                           | 505,000                   | 0.0%          |
| <b>Excess (Deficiency) of Revenues and<br/>Other Sources over Expenditures</b> | -                           | -                         |               |
| <b>Ending Fund Balance*</b>                                                    | <b>239,367</b>              | <b>239,367</b>            |               |

\* - Unaudited

16% of the fiscal year has elapsed







450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

## **Town Council Consent Agenda Communication**

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**Agenda Date:** 3/17/2025

**Subject:** Second Reading Ordinance 2025-267: Insurance Benefits for Part-Time Employees and Elected Officials

**Attachments:** 1. Ordinance 2025-267

**Presented by:** Matt LeCerf

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### **Agenda Item Description:**

Town Council approved Ordinance No. 2025-267 on first reading following a public hearing conducted on March 3, 2025. Of note, during the initial public hearing on this item, it was asked of Staff if individuals selecting these benefits can pick and choose which benefits they want (health, dental, and/or vision). The benefits selected are at the discretion of the individual.

During the budget work sessions Town Council engaged in conversation related to the insurance benefits that are offered to employees and Elected Officials of the Town. At the time of the budget discussion, Staff provided information that it was the current policy that health benefits were only provided to full-time employees. A deviation from this current policy is possible. If Council wanted to make a change, it would send a positive and strong message to potential employees and elected officials considering running for office that we value our employees and we emulate one of our key strategic pillars that promotes Johnstown as an employer of choice that attracts dedicated team members who are passionate about Johnstown.

Based on the Town's Employee Handbook, part-time employees are qualified as individuals who work less than 30 hours per week. For the purposes of insurance coverage, part-time employee would need to work at least 20 hours per week. The primary benefits that are currently provided to part-time employees include some limited paid time off:

- In compliance with State Law, temporary and part-time employees accrue one hour of sick leave for every thirty hours worked up to a maximum of 48 hours per year.
- They are eligible for up to a maximum of 40 hours of vacation leave per year, accrued based on hours worked.
- They are eligible for holiday pay for any hours they are scheduled but unable to work due to the closure of Town offices.

For elected officials, the Town's Home Rule Charter (HRC) provides guidance and states the

following:

*Section 2.5 Johnstown Charter:*

*The Mayor and each Councilmember shall receive such salary and benefits as prescribed by ordinance. The salary of the Mayor or of any Councilmember shall not be increased or diminished during the term for which the Mayor or Councilmember has been elected. Subject to the Council's approval, the Mayor and Councilmembers may be reimbursed for the actual and necessary expenses incurred in the performance of the duties of office.*

Interestingly, the HRC distinguishes between the terms salary and benefits and specifically calls out salary as a metric that does not increase or decrease during the selected term. This would allow a possible interpretation that benefits may be included at any time as prescribed by ordinance.

Currently, the Town offers full-time employees typical benefits that include health, dental, vision, and basic life insurance coverage. The Town offers three (3) health plans full-time employees can choose from and a single dental and vision plan for the employee. The health plans offered are the following types:

1. A standard PPO Plan
2. A PPO Select Plan focused on encouraging employees to choose preferred providers that offer lower costs (predominantly in the UC Health family of care); and
3. A High Deductible Plan that is coupled with a Health Savings Account (HSA). While the deductible is noticeably higher than a typical PPO plan, the Town provides a periodic financial stipend into the HSA to defray some of that extra expense.

The ordinance provided for your consideration provides that part-time employees and elected officials can be provided access to benefits, but that the health benefit would only make available the most affordable or least expensive plan for the Town. Based on the current costs of the various healthcare options, this would be the PPO Select Plan. Furthermore, if part-time or elected officials choose to enter into the health benefit, it is recommended that they pay double the premiums of full-time employees. The overall financial impact on the Town per individual that would elect this benefit if it is made available is approximately \$9,850 annually.

All eligible part-time employees and elected officials would be automatically covered by a nominal life insurance benefit regardless of their choice to participate in any other benefit coverage(s).

It is also important to note that if the Town Council does elect to provide this benefit, that it would also extend to the Library Employees as well, because they have previously chosen to be covered under the Town's plan and are bound by its plan rules.

**Strategic Plan Alignment:**

*Organizational Excellence & Public Trust*

- Be an employer of choice that attracts dedicated team members, passionate about

Johnstown.

**Legal Advice:**

The Town Attorney drafted Ordinance 2025-267 as presented.

**Financial Advice:**

This may have an impact on the budget depending on the number of participants who opt into the benefit plan(s).

**Recommended Action:**

Staff supports the approval of Ordinance 2025-267 for the value add it brings to our organization and commitment to our employees and elected officials.

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**Reviewed and Approved for Presentation**

A handwritten signature in blue ink, appearing to be 'W. J. C.', is written over the printed name 'Town Manager'.

Town Manager

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2025-267**

**AN ORDINANCE AUTHORIZING HEALTH, VISION, DENTAL AND LIFE  
INSURANCE BENEFITS FOR THE MAYOR, COUNCILMEMBERS AND  
PART-TIME EMPLOYEES AND ADDING SECTION 2-26 TO ARTICLE I OF  
CHAPTER 2 OF THE JOHNSTOWN MUNICIPAL CODE**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, during work sessions, the Town Council and the Town Manager discussed expanding the Town’s health, vision, dental and life insurance benefits to include benefits for the Mayor, Councilmembers and part-time employees; and

**WHEREAS**, Section 2.5 of the Home Rule Charter of the Town of Johnstown, Colorado contemplates that the Mayor and Councilmembers may receive “benefits as prescribed by Ordinance;” and

**WHEREAS**, Article I of Chapter 2 of the Johnstown Municipal Code contains regulations concerning the Mayor and Councilmembers; and

**WHEREAS**, to authorize health, vision, dental and life insurance benefits for the Mayor and Councilmembers who elect to receive such benefits, the Town Council desires to add Section 2-26 to Article I of Chapter 2 of the Johnstown Municipal Code; and

**WHEREAS**, to attract and retain employees, the Town Council desires to authorize Town staff to offer part-time employees the option to participate in the Town’s health, vision, dental and life insurance benefits; and

**WHEREAS**, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
JOHNSTOWN, COLORADO, THAT:**

**Section 1. Mayor and Councilmember Benefits.** Section 2-26 is hereby added to Article I of Chapter 2 of the Johnstown Municipal Code and shall read as follows:

**Sec. 2-26. Insurance Benefits.**

The Mayor and Councilmembers may elect to receive health, vision, dental and life insurance benefits from the Town. The Town shall only offer the Mayor and Councilmembers the insurance benefits that are the most affordable to the Town, and the Mayor and Councilmembers who elect to receive the insurance benefits shall be required to pay premiums for the benefits in an amount equivalent to double the premiums paid by full-time employees for similar benefits on a schedule set by the Town Manager or the Town Manager's designee.

**Section 2. Part-Time Employee Benefits.** Town staff is hereby authorized to offer part-time employees the option to receive health, vision, dental and life insurance benefits from the Town.

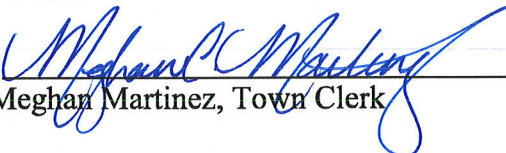
**Section 3. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

**Section 4. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this 3rd day of March, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By:   
Meghan Martinez, Town Clerk

By:   
Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor



450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

## **Town Council Consent Agenda Communication**

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**Agenda Date:** 3/17/2025

**Subject:** Second Reading Ordinance 2025-266: Adding Section 13-10(G) to the Johnstown Municipal Code Concerning Access to Indoor Water Meters and Repealing and Readopting Article VI of Chapter 13 of the Johnstown Municipal Code Concerning Water Conservation

**Attachments:** 1. Ordinance No. 2025-266

**Presented by:** Matt LeCerf

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### **Agenda Item Description:**

On March 3, 2025, Council considered and approved Ordinance 2025-266 on first reading. During the first reading there was a request to add provisions for proactive enforcement of Home Owner Associations (HOA). This addition is included in Section 13-154(b) and to ensure we are properly capturing common area maintenance, Metropolitan Districts were also included in the consideration of HOAs.

Enclosed for your review and consideration is Ordinance No. 2025-266 on second reading. The ordinance presented provides for two specific modifications as part of Chapter 13 of the Johnstown Municipal Code (JMC) titled Municipal Utilities.

The first item amends Article 1 adding Section 13-10 Right to Entry. Adding this new Section into the JMC provides us with the ability to more effectively manage water meters inside of homes. Water meters are owned by the Town and tend to fail, by not communicating with our telemetry system to provide readings of water usage. More often than not, this is due to a dead battery. When the meters fail to report, Town Staff works with customers to access the homes and replace the meter and/or the battery components that communicate with our system. In some instances, residents fail to respond back to our requests to access the meter. If the customer continues to disregard the inquiries by Town Staff to access the meter, this tool allows us to charge an additional fee to the customer when prohibiting access exceeds 30 days. The fee to be assessed when this occurs is \$10.00 per month.

The second item included in Ordinance No. 2025-266 is a modification to the Water Conservation Ordinance. In April 2024, Council implemented water restrictions. As part of the approval of the irrigation restrictions, Council requested that Staff revisit the ordinance and work to modify some of the terminology. Accordingly, an updated Article VI is presented and removes several references to "Levels of drought condition" conditions to "Levels of water conservation". Additionally, changes include an increase in levels of water conservation from 3 to 4. The most notable is the addition of Level 2 which provides for homes and property

watering 3 days per week. All other levels either shifted down or stayed the same when evaluating watering levels.

The other notable change is the ability to disconnect service to Homeowner Associations in the instances that they fail to comply with water restrictions after formal notification. We experienced this several times in 2024 and effective enforcement was extremely difficult to navigate the process to issue citations.

As a foreshadowing, it is likely that in March a resolution will also be presented to Council which would authorize implementation of Level 2 watering restrictions. The current administration believes using a resolution creates better awareness as well as better illustration of the constraints we have at our water treatment plant.

**Strategic Plan Alignment:**

*Organizational Excellence & Public Trust*

- Strengthen public trust and confidence

*Natural & Built Environment*

- Invest in, enhance, and conserve our parks, open spaces, agricultural areas and natural environment

*Quality Infrastructure & Facilities*

- Ensure future viability of infrastructure and facilities
- Repair and maintain existing infrastructure, facilities and equipment

**Legal Advice:**

The Town Attorney drafted Ordinance 2025-266 as presented with updates.

**Financial Advice:**

Not Applicable

**Recommended Action:**

Staff recommends approval of Ordinance 2025-266 on second reading as presented.

---

**Reviewed and Approved for Presentation**



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Town Manager



**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2025-266**

**AN ORDINANCE ADDING SECTION 13-10(g) TO THE JOHNSTOWN  
MUNICIPAL CODE CONCERNING ACCESS TO INDOOR WATER  
METERS AND REPEALING AND READOPTING ARTICLE VI OF  
CHAPTER 13 OF THE JOHNSTOWN MUNICIPAL CODE CONCERNING  
WATER CONSERVATION**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Article I of Chapter 13 of the Johnstown Municipal Code contains general regulations concerning municipal utilities and Section 13-10 therein regulates the Town’s right of entry onto property to access utilities; and

**WHEREAS**, Town staff recommends that the Town Council amend Section 13-10 to provide additional regulations concerning the Town’s right to enter property to access indoor water meters and the ability of the Town to impose a fee if access is not granted in a reasonable time; and

**WHEREAS**, Article VI of Chapter 13 of the Johnstown Municipal Code regulates water conservation; and

**WHEREAS**, to conserve water, ensure a sufficient supply of potable water for the citizens of the Town and clarify processes and procedures concerning water conservation, Town staff recommends that the Town Council repeal and readopt Article VI of Chapter 13 of the Johnstown Municipal Code; and

**WHEREAS**, Town Council hereby finds, determines and declares that this Ordinance is promulgated under the general police power of the Town, that it is promulgated for the preservation of the public health, welfare, peace, safety and property and that this Ordinance is in the best interests of the citizens of the Town.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** Section 13(g) is hereby added to Article I of Chapter 13 of the Johnstown Municipal Code and shall read as follows:



## **ARTICLE I General**

### **Sec. 13-10. Right to Entry.**

- (g) Notwithstanding any other provision of this Section, authorized Town personnel shall have the right to enter property at all reasonable times, upon notice from the Town, for the purpose of maintenance, inspection, or replacement of indoor water meters. Customers are required to provide access to the indoor water meters within thirty (30) days of the Town's notice. If a customer fails to provide access within this timeframe, the Town may, at its discretion, assess a fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule, which fee will be added to the monthly utility bill until access is granted.

**Section 2.** Article VI of Chapter 13 of the Johnstown Municipal Code is hereby repealed in full and re-adopted to read as follows:

## **ARTICLE VI Water Conservation**

### **Sec. 13-150. General.**

- (a) The Town is considered a semi-arid climate receiving a minimal amount of rain annually and encourages water-wise applications to conserve valuable water resources.
- (b) The Town Council may impose additional conservation restrictions or modifications to the conservation restrictions set forth herein.
- (c) The Town Manager may, notwithstanding the regulations contained herein, provide appropriate measures for watering large areas, such as open space and parks by schools and homeowners associations.

### **Sec. 13-151. Levels of water conservation.**

- (a) There shall be four (4) separate levels of water conservation in the Town. The Town Council's determination as to the applicable conservation level may be based upon the following criteria: water delivery limitations placed on the Town by its raw water providers; snow pack and reservoir levels; generally available water supplies; peak water demand usage that may impact the Town's ability to provide adequate water supply and fire flows to the water distribution system; or any other relevant factor that affects the Town's available water supply. Unless Level 1 applies, the Town Council shall determine the water conservation level for a given time period by resolution.
- (b) Level 1 shall be a normal period with standard conservation practices and shall be in effect without further action by the Town Council.
  - (1) Under Level 1, the following provisions shall apply:
    - a. It shall be unlawful for any person, or for the owner of any property to cause, permit or allow any person to irrigate, spray, sprinkle or otherwise apply water from the Town's treated water system to any lawn, garden or other outdoor vegetation, between the hours of 10:00 a.m. through 6:00 p.m.; and

- b. No outdoor watering shall occur from November 1 through April 15, except that trees and shrubs may be watered by hand on a Saturday or Sunday.
- (2) The foregoing restrictions shall not apply to:
  - a. Irrigation of land used for commercial agriculture;
  - b. Irrigation of land using non-potable water sources that do not directly apply water from the Town's treated municipal water utility system; and
  - c. Watering by hand of outdoor vegetation or a community garden using a manually operated hose equipped with an automatic shut-off valve.
- (c) Level 2 shall be a semi-moderate drought period.
  - (1) Under Level 2, it shall be unlawful for any person, or for the owner of any property to cause, permit or allow any person to irrigate, spray, sprinkle or otherwise apply water from the Town's water system to any lawn, garden or other outdoor vegetation, unless such usage complies with the following conservation methods:
    - a. Spray or sprinkle irrigation and hand-watering shall only occur on the property's designated watering day. The property's designated watering day shall be as follows:
      - i. Even addresses based on the last digit of the address of the property may only water on Tuesdays, Thursdays and Saturdays;
      - ii. Odd addresses based on the last digit of the address of the property may only water on Mondays, Wednesdays and Fridays;
      - iii. Homeowner associations may only water on Tuesdays, Thursdays and Saturdays; and
      - iv. The Town may only water Town owned parks on Mondays, Wednesdays and Fridays.
    - b. Spray and sprinkle irrigation and hand-watering shall only occur between the hours of midnight to 10:00 a.m. and then from 6:00 p.m. to midnight on the property's designated watering day;
    - c. No water from the Town's treated water system shall be used for the purpose of washing sidewalks, driveways, patios or similar hardscapes;
    - d. Vehicles may be washed only on the property's designated watering day with a bucket or a hose running with an automatic shut-off nozzle. If possible, persons are encouraged to park vehicles on their lawns while washing occurs, but such vehicles may be on the lawn only while they are being washed and shall be immediately removed from the lawn upon completion. Commercial vehicle washing facilities are exempt from this regulation;
    - e. No outdoor watering shall occur from October 15 through April 15, except that trees and shrubs may be watered by hand on a Saturday or Sunday; and
    - f. Watering of newly planted grass shall only occur subject to a permit issued by the Town. The cost of the permit, if any, shall be the amount set forth by resolution of the Town Council in the Town Fee Schedule.

- (2) The foregoing restrictions shall not apply to:
  - a. Irrigation of land used for commercial agriculture; and
  - b. Irrigation of land using non-potable water sources that do not directly apply water from the Town's treated municipal water utility system.
- (d) Level 3 shall be a moderate drought period.
  - (1) Under Level 3, the Level 2 standards, restrictions and exemptions set forth above shall apply except that the property's designated watering day shall be as follows:
    - a. Even addresses based on the last digit of the address of the property may only water on Thursdays and Sundays;
    - b. Odd addresses based on the last digit of the address of the property may only water on Wednesdays and Saturdays; and
    - c. Homeowner associations may only water on Thursdays and Sundays; and
    - d. The Town may only water Town owned parks on Wednesdays and Saturdays.
  - (2) Under Level 3, only non potable water may be used for construction purposes.
- (e) Level 4 shall be a severe drought period during which lawn irrigation shall be prohibited and other conditions and restrictions, if any, shall be set forth in a resolution adopted by the Town Council.

**Sec. 13-152. Water waste.**

- (a) No person or property owner shall cause, allow or permit any water waste.
- (b) Water waste is the intentional or negligent use of water which results in water being utilized in a wasteful or inefficient manner. Water waste includes, without limitation, the following:
  - (1) Water applied in any manner, rate or quantity such that runoff results from the landscaped area being watered and water runs onto public or private streets or into drainage or storm drainage facilities;
  - (2) Failure to repair or shut off any irrigation system that is malfunctioning within one hour; or
  - (3) Excessive use of water for any exempt activities set forth in this Article including, without limitation, vehicle washing.
- (c) For purposes of this Article, excessive means more than the minimum reasonably necessary to accomplish the task.

**Sec. 13-153. Conservation surcharge.**

The Town Council may establish by resolution a temporary conservation surcharge for excessive water usage. Funds received from the surcharge shall be used solely for leasing or acquisition of water rights, the cost of enforcement of water conservations and water department operation and maintenance. This shall be a temporary surcharge and may last no longer than a single irrigation season. These charges shall be in addition to the charges imposed for water usage as otherwise provided in this Chapter.

**Sec. 13-154. Penalty for violation.**

- (a) Any person alleged to have violated any of the provisions of this Article may be served a summons and complaint and be subject to the penalties set forth in Article IV of Chapter 1 of the Code.
- (b) In addition to the foregoing, if a homeowner association or metropolitan district violates the provisions of this Article, the Town may provide written notice of the violation to the homeowner association or metropolitan district providing that, if a subsequent violation occurs, the outdoor water service for the homeowner association or metropolitan district may, at the Town's discretion, be disconnected and only thereafter reconnected upon the Town's receipt of a written commitment from the homeowner association or metropolitan district that it will remain in compliance with this Article and payment of the reconnection fee in the amount set forth by resolution of the Town Council in the Town Fee Schedule. For purposes of this subsection, notice may be provided to the homeowner association or metropolitan district by certified mail or electronic mail to any member of the board of directors, the management company, if any, or, as applicable, the registered agent or district manager.

**Section 3. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

**Section 4. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado ("Charter") and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL, AS AMENDED, AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor



450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

## **Town Council Agenda Communication**

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**Agenda Date:** 3/17/2025

**Subject:** Resolution 2025-08: Declaring Water Conservation Level 2

**Attachments:** 1. Resolution 2025-08 Declaring Water Conservation Level 2  
2. 2024 Johnstown Summer Flow Report

**Presented by:** Ellen Hilbig

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### **Agenda Item Description:**

Enclosed for your review and consideration is Resolution 2025-08, which proposes the adoption of Level 2 Water Conservation Measures in alignment with Ordinance No. 2025-266 which is an agenda item on second reading set for March 17, 2025.

While the Town has sufficient water supply, the current water treatment plant cannot meet peak summer irrigation demands until the new 12 MGD facility is completed. Historically, the plant's production capacity has been considered 6 MGD, but in reality, it can only treat a maximum of 5.3 MGD under ideal conditions. This reduction is due to the required three-hour filter backwash cycle, which temporarily lowers production to 3 MGD, as well as the plant's programming response to system demands, further limiting its ability to meet peak usage. As a result, the Town must rely on interconnections with partnering water systems to bridge this gap on high-use days to ensure compliance and maintain daily flows. To help address these limitations, the Operations team completed several off-season upgrades, including on-site pump improvements, filter media replacement, and an optimized operational approach to the granular activated carbon (GAC) system to increase production and minimize head losses.

This supply shortage falls under the ordinance's implementation criteria for peak water demand usage, which may impact the Town's ability to provide adequate water supply and fire flows to the water distribution system, thus triggering the need for Level 2 Water Conservation Measures. Implementing a structured summer watering schedule is essential to mitigating peak irrigation demand and ensuring the treatment plant remains operational until the new plant is completed. The alternating-day watering schedule, with Sundays designated as a non-watering day, is designed to balance daily flow demands within the plant's capacity while allowing time for system recovery and storage tank replenishment. This is especially important as the Town added approximately 500 new properties to the system last year and permit applications are already trending toward record-breaking levels in 2025.

To proactively promote community water conservation and effectively communicate the proposed watering schedule to residents, Staff recommends adopting the Resolution on the effective date of the Ordinance, March 27th. Outreach for the new watering schedule is planned

to be included in the May Newsletter, giving residents ample time to plan and adjust before activating their sprinkler systems. Additionally, the Town has partnered with Resource Central to offer several water conservations programs, Slow the Flow Free Irrigation Audits, Garden-In-A-Box and Turf Replacement, which were highlighted in the March Newsletter.

**Strategic Plan Alignment:**

*Quality Infrastructure & Facilities*

- Establish and maintain levels of service
- Ensure future viability of infrastructure and facilities
- Repair and maintain existing infrastructure, facilities and equipment

**Legal Advice:**

The Town Attorney drafted Resolution 2025-08 Declaring Water Conservation Level 2.

**Financial Advice:**

Not Applicable

**Recommended Action:**

Staff recommends the adoption of Resolution 2025-08 Declaring Water Conservation Level 2.

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**Suggested Motions:**

**For Approval:** I move to adopt Resolution 2025-08 Declaring Water Conservation Level 2.

**For Denial:** I move to deny Resolution 2025-08 Declaring Water Conservation Level 2.

**Reviewed and Approved for Presentation**



Town Manager

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2025-08**

**RESOLUTION DECLARING WATER CONSERVATION LEVEL 2**

**WHEREAS**, the Town of Johnstown, Colorado (the “Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, to conserve water, ensure a sufficient supply of potable water for the citizens of the Town and safeguard the Town’s ability to provide water for fire protection from the Town’s water distribution system, Town staff recommends that the Town Council impose water conservation measures during the spring, summer and fall of 2025; and

**WHEREAS**, pursuant to Article IV of Chapter 13 of the Johnstown Municipal Code, regulating water conservation, the Town Council desires to declare a water conservation “Level 2” and impose the water conservation measures set forth in Section 13-151(c) of the Johnstown Municipal Code; and

**WHEREAS**, the Town Council finds that the adoption of this Resolution is in the best interests of the citizens of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

1. The Town Council hereby finds, determines and declares that a water conservation “Level 2,” being a semi-moderate drought period as described in Section 13-151 of the Johnstown Municipal Code, shall be in effect from March 27, 2025, through October 15, 2025.

2. Persons residing or owning property in the Town are hereinafter required to comply with the watering restrictions set forth in Section 13-151(c) of the Johnstown Municipal Code, as described below:

- (1) No person residing or owning property in the Town shall cause, permit or allow any person to irrigate, spray, sprinkle or otherwise apply water from the Town’s water system to any lawn, garden or other outdoor vegetation, unless such usage complies with the following conservation methods:
  - a. Spray or sprinkle irrigation and hand-watering shall only occur on the property’s designated watering day. The property’s designated watering day shall be as follows:
    - i. Even addresses based on the last digit of the address of the property may only water on Tuesdays, Thursdays and Saturdays;



- ii. Odd addresses based on the last digit of the address of the property may only water on Mondays, Wednesdays and Fridays;
  - iii. Homeowner associations may only water on Tuesdays, Thursdays and Saturdays; and
  - iv. The Town may only water Town-owned parks on Mondays, Wednesdays and Fridays
- b. Spray and sprinkle irrigation and hand-watering shall only occur between the hours of midnight to 10:00 a.m. and then from 6:00 p.m. to midnight on the property's designated watering day;
  - c. No water from the Town's treated water system shall be used for the purpose of washing sidewalks, driveways, patios or similar hardscapes;
  - d. Vehicles may be washed only on the property's designated watering day with a bucket or a hose running with an automatic shut-off nozzle. If possible, persons are encouraged to park vehicles on their lawns while washing occurs, but such vehicles may be on the lawn only while they are being washed and shall be immediately removed from the lawn upon completion. Commercial vehicle washing facilities are exempt from this regulation;
  - e. Except that trees and shrubs may be watered by hand on a Saturday or Sunday, no outdoor watering, as described herein, may occur prior to April 15, 2025; and
  - f. Watering of newly planted grass shall only occur subject to a permit issued by the Town. The cost of the permit, if any, shall be the amount set forth by resolution of the Town Council in the Town Fee Schedule.
- (2) The foregoing restrictions shall not apply to:
- a. Irrigation of land used for commercial agriculture; and
  - b. Irrigation of land using non-potable water sources that do not directly apply water from the Town's treated municipal water utility system.
3. This Resolution shall be effective on March 27, 2025, and shall, absent additional action of the Town Council, expire on October 15, 2025.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of March, 2025.

ATTEST:

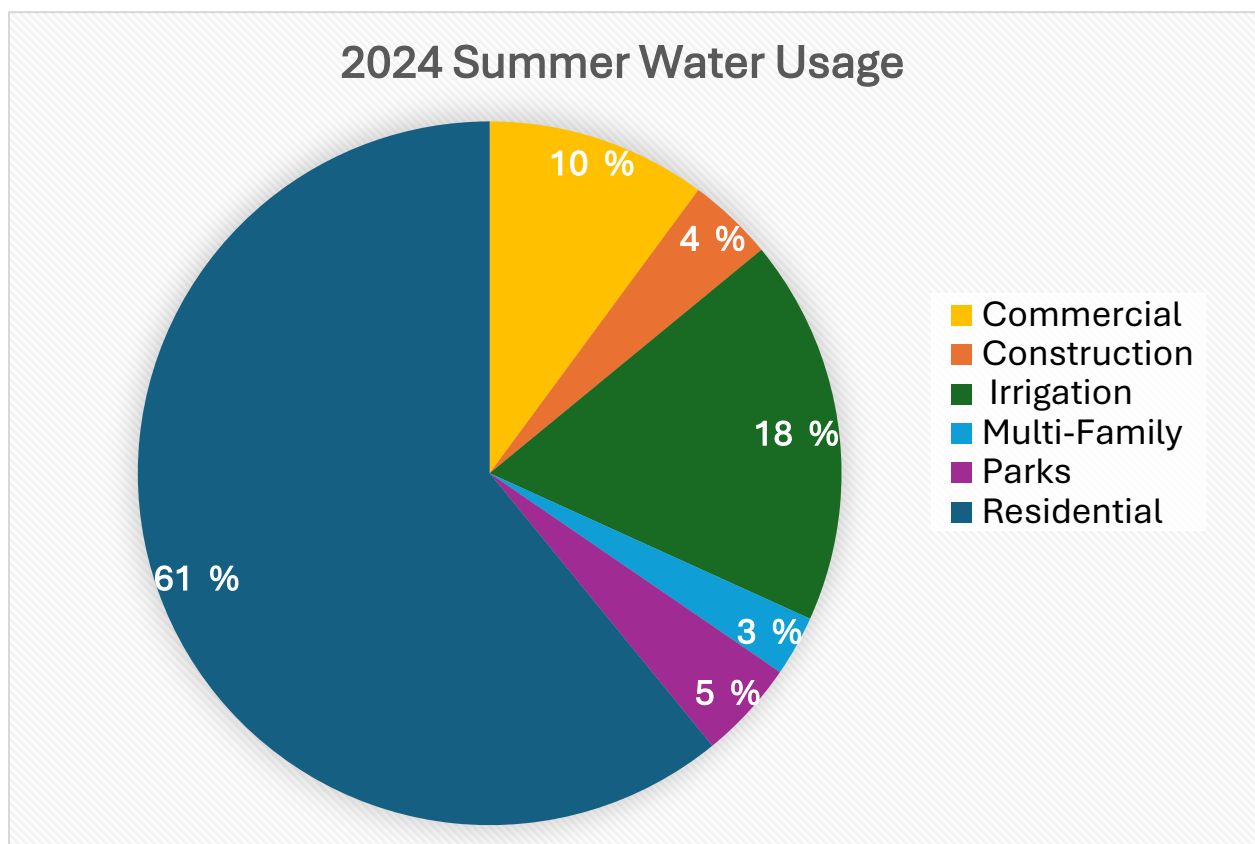
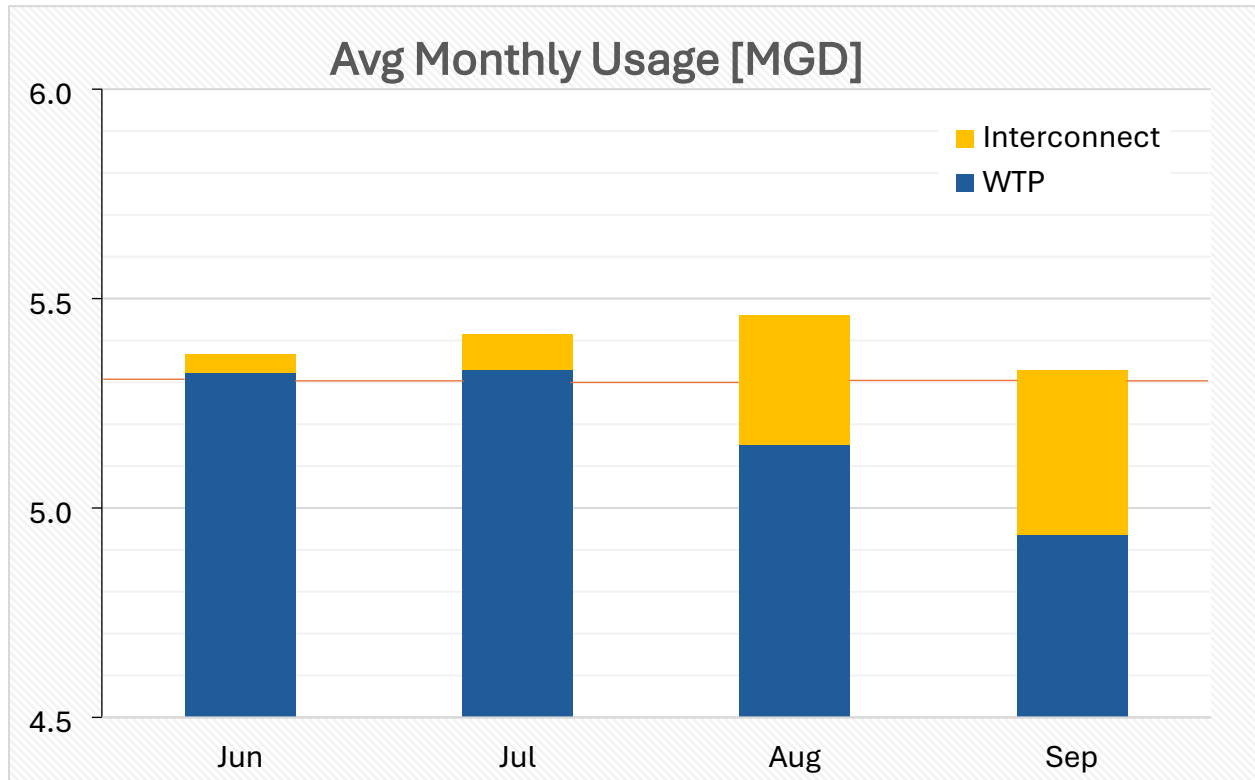
TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

# 2024 Johnstown Summer Flow Report

- Data from 2024 June to September
- Plant was able to produce on average **5.3** million gallons a day (MGD)
- Demand filled by purchased water (interconnects): **26.1** MG
- **52** days on Interconnects





450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

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## Town Council Agenda Communication

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**Agenda Date:** 3/17/2025

**Subject:** Beer and Wine Liquor License Renewal for Fabulous Nail and Bar

**Attachments:**

1. Fabulous Nails Renewal Application
2. Signed Stipulation - State Liquor Enforcement Division

**Presented by:** Meghan Martinez

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### Agenda Item Description:

Fabulous Nails and Bar has submitted a renewal application for its Beer and Wine Liquor License at 4900 Larimer Parkway, Johnstown, Colorado. Per the Johnstown Municipal Code, the Town Clerk may administratively approve annual license renewals, provided that the licensee has no pending actions, is not under official investigation, and has not had any adjudicated violations or stipulations within the past year.

The Colorado Department of Revenue Liquor Enforcement Division identified violations of the liquor code, including exceeding monetary limits for alcohol purchases from retail liquor stores and issues related to sales tax licensing and remittance. Following an investigation, the State Liquor Enforcement Division imposed a 17-day suspension on Fabulous Nails and Bar's Beer and Wine License, with eight active suspension days and nine days held in abeyance for one year. The active suspension period lasted from February 22, 2025, through 11:59 p.m. on March 1, 2025, during which the licensee was prohibited from serving alcohol.

Under the Colorado Liquor Code, once a violation is adjudicated and the suspension is served, the matter is considered resolved. However, the Johnstown Municipal Code requires that any license renewal involving a violation within the preceding year be forwarded to the Town Council for review, as the Town Clerk does not have the authority to approve such renewals. This item is being provided to Council under the requirements of the Johnstown Municipal Code.

Staff is requesting approval of the license as the licensee has been brought into compliance by the State Liquor Authority and the matter has been adjudicated through the process outlined above.

### Strategic Plan Alignment:

#### *Organizational Excellence & Public Trust*

- Strengthen public trust and confidence

- Engage, inform and involve the community

**Legal Advice:**

The application and all supporting documents were reviewed by the Town Attorney.

**Financial Advice:**

N/A

**Recommended Action:**

As the matter has already been adjudicated by the State Liquor Authority, Staff recommends approval of the renewal with the condition of no further violations in the upcoming year.

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**Suggested Motions:****To Approve the Renewal:**

I move to approve the renewal of the Beer and Wine Liquor License for Fabulous Nails and Bar, located at 4900 Larimer Parkway, Johnstown, Colorado.

**To Approve with Conditions:**

I move to approve the renewal of the Beer and Wine Liquor License for Fabulous Nails and Bar, located at 4900 Larimer Parkway, Johnstown, Colorado, with the condition that the licensee have no further violations in the upcoming year.

**Set a Public Hearing Concerning Denial of the Renewal:**

I move to direct the Town Clerk to issue the licensee Notice to Show Cause on April 7, 2025 at the Johnstown Town Hall, 450 S. Parish Avenue, Johnstown, CO 80534 at 7:00p.m., why the Beer and Wine Liquor License for Fabulous Nails and Bar, located at 4900 Larimer Parkway, Johnstown, Colorado should not be revoked.

**Reviewed and Approved for Presentation,**

Town Manager

DR 8400 (02/16/24)  
COLORADO DEPARTMENT OF REVENUE  
Liquor Enforcement Division  
PO BOX 17087  
Denver CO 80217-0087  
(303) 205-2300

Submit to Local Licensing Authority

| Fees Due                                                       |        |
|----------------------------------------------------------------|--------|
| Annual Renewal Application Fee                                 | \$ 250 |
| Renewal Fee                                                    |        |
| Storage Permit \$100 X _____                                   | \$     |
| Sidewalk Service Area \$75.00                                  | \$     |
| Additional Optional Premise Hotel & Restaurant \$100 X _____   | \$     |
| Related Facility - Campus Liquor Complex \$160.00 per facility | \$     |
| Amount Due/Paid                                                | \$     |

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

## Retail Liquor License Renewal Application

Please verify & update all information below. Return to city or county licensing authority by due date.

Note that the Division will not accept cash.



Paid by check

Uploaded to MoveIt on Date



Paid online

Licensee Name

Fabulous Nails & Bar

Doing Business As Name (DBA)

Fabulous Nails & Bar

Liquor License Number

03-12430

License Type

Beer & Wine (city)

Sales Tax License Number

41637624

Expiration Date

01/08/2025

Due Date

12/01/2024

### Business Address

Street Address

4900 Larimer parkway, Johnstown CO 80534

Phone Number

(970) 889 1539

City

Johnstown

State

CO

ZIP Code

80534

### Mailing Address

Street Address

5056 Kid st

City

Timnath

State

CO

ZIP Code

80547

Email

+kenny1011@gmail.com



Operating Manager

Date of Birth

KENNY Q. TRAN

10/11/1974

Home Address

Street Address

5056 Kidd St

Phone Number

970 8891539

City

Timnath

State ZIP Code

CO

80547

1. Do you have legal possession of the premises at the street address?..... ☐ Yes ☐ No

Are the premises owned or rented? ☐ Owned

\*If rented, expiration date of lease

☒ Rented\*

02/2030

2. Are you renewing a storage permit, additional optional premises, sidewalk service area, or related facility?..... ☐ Yes ☒ No

If yes, please see the table in the upper right hand corner and include all fees due.

3. Are you renewing a takeout and/or delivery permit?..... ☐ Yes ☒ No

(Note: must hold a qualifying license type and be authorized for takeout and/or delivery license privileges)

If selecting 'Yes', an additional \$11.00 is required to renew the permit.

If so, which are you renewing?..... ☐ Delivery ☐ Takeout ☐ Both Takeout and Delivery

4. Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant, been found in final order of a tax agency to be delinquent in the payment of any state or local taxes, penalties, or interest related to a business?..... ☐ Yes ☒ No

Since the date of filing of the last application, has the applicant, including its manager, partners, officer, directors, stockholders, members (LLC), managing members (LLC), or any other person with a 10% or greater financial interest in the applicant failed to pay any fees or surcharges imposed pursuant to section 44-3-503, C.R.S.?.....

☐ Yes ☒ No

5. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)?..... ☐ Yes ☒ No

If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested.

6. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime?..... ☐ Yes ☒ No

If yes, attach a detailed explanation.

7. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked?..... ☐ Yes ☒ No

If yes, attach a detailed explanation.

8. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee?..... ☐ Yes ☒ No

If yes, attach a detailed explanation.

### Affirmation & Consent

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business

KENNY Q TRAN

Title

OWNER

Signature

Date (MM/DD/YY)

12/01/2024

### Report & Approval of City or County Licensing Authority

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 44, Articles 4 and 3, C.R.S., and Liquor Rules.

**Therefore this application is approved.**

Local Licensing Authority For

Title

Attest

Signature

Date (MM/DD/YY)

BEFORE THE EXECUTIVE DIRECTOR, DEPARTMENT OF REVENUE  
STATE LICENSING AUTHORITY  
STATE OF COLORADO

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STIPULATION, AGREEMENT, AND ORDER

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IN THE MATTER OF:

FABULOUS NAIL & BAR, INC. d/b/a Fabulous Nail & Bar  
4900 Larimer Parkway  
Johnstown, Colorado 80534

Beer & Wine (City) Liquor License No. 03-12430

Licensee.

LED Case No. LIQ2400000474

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This STIPULATION, AGREEMENT, AND ORDER (“Order”) between the State of Colorado, Department of Revenue, Liquor Enforcement Division (“Division”) and Fabulous Nail & Bar, Inc. d/b/a Fabulous Nail & Bar, 4900 Larimer Parkway, Johnstown, Colorado 80534, Beer & Wine (City) Liquor License No. 03-12430 (“Licensee”), is offered for the purpose of settlement and to avoid the uncertainty and cost of future administrative action. The Division and Licensee hereby stipulate and agree as follows:

1. The Executive Director of the Department of Revenue as the State Licensing Authority (“State Licensing Authority”) has jurisdiction over Licensee and the subject matter herein pursuant to the provisions of subsections 44-3-201(1) and 44-3-202(1)(a), C.R.S.
2. Pursuant to subsection 44-3-601(1), C.R.S., the State Licensing Authority has the power, on its own motion or on complaint, after investigation and public hearing at which the licensee shall be afforded an opportunity to be heard, to fine a licensee or to suspend or revoke, in whole or in part, any license or permit issued by the State Licensing Authority for any violation by the licensee, or by any of the agents, servants, or employees of the licensee of the Liquor Code, Beer Code, Special Event Code, or Liquor Regulations.
3. On October 31, 2024, the State Licensing Authority served an Order to Show Cause, Notice of Hearing, and Notice of Duty to Answer on Licensee, alleging violations of the Liquor Code and Liquor Regulations, attached hereto as **Exhibit 1**.
4. The Division and Licensee have discussed the merits of the investigation and allegations and come to a mutual agreement and understanding to jointly propose to the State Licensing Authority a resolution of the allegations against Licensee, in lieu of proceeding



Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 2

to hearing to determine the merits of such allegations in the Order to Show Cause. The terms and conditions of this Order are subject to approval by the State Licensing Authority.

5. Licensee admits to the following facts and violations:

- a. Licensee holds Beer & Wine (City) Liquor License No. 03-12430, with a licensed premises at 4900 Larimer Parkway, Johnstown, CO 80534. Kenny Thuy Tran (“Tran”) is the owner of Licensee.
- b. On April 11, 2024, an investigator from the Division spoke with Tran by phone, and Tran told the investigator he purchased approximately \$10,000.00 of liquor each year from liquor stores.
  - i. On April 24, 2024, Tran confirmed he purchased alcohol from liquor stores, and not from wholesalers.
- c. Licensee violated subsection 44-3-411(2)(a), C.R.S., which states every person selling malt and vinous liquors as provided in this section shall purchase malt and vinous liquors only from a wholesaler licensed pursuant to this article 3; except that, during a calendar year, any person selling malt and vinous liquors as provided in this section may purchase not more than two thousand dollars' worth of malt and vinous liquors from retailers licensed pursuant to sections 44-3-409, 44-3-410, and 44-4-104 (1)(c).
- d. Licensee violated Regulation 47-408(A)(1), 1 CCR 203-2, which states every person or entity licensed under the Liquor or Beer and Wine Codes to sell at retail shall purchase all alcohol beverage inventory, for the operation of its business, from a person or entity licensed to sell at wholesale pursuant to article 3 or 4 of title 44, C.R.S., except that a retailer licensed for on-premises consumption only may purchase not more than two thousand dollars' worth of such alcohol beverages during a calendar year from a retail liquor store or a liquor-licensed drugstore.
- e. Following the call on April 11, 2024, on April 12, 2024, the investigator issued a Demand for Records to Licensee, requesting “any and all receipts for the purchase of alcohol beverages from March 1, 2022, to March 1, 2024, to include retail liquor store and wholesaler purchases.” The Demand for Records provided a deadline to produce the requested information of April 22, 2024.
  - i. Licensee did not respond or otherwise produce any of the requested information by April 22, 2024.

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 3

- ii. On April 24, 2024, Tran told the Division investigator that he did not retain receipts from alcohol purchases for alcohol served by Licensee.
- f. Licensee violated subsection 44-3-411(2)(b), C.R.S., a beer and wine licensee shall retain evidence of each purchase of malt and vinous liquors from a retailer licensed pursuant to section 44-3-409, 44-3-410, or 44-4-104 (1)(c), in the form of a purchase receipt showing the name of the licensed retailer, the date of purchase, a description of the malt or vinous liquor purchased, and the price paid for the purchase. The beer and wine licensee shall retain the receipt and shall make it available to the state and local licensing authorities at all times during business hours.
- g. Licensee violated section 44-3-701, C.R.S., which states each licensee shall keep a complete set of books of account, invoices, copies of orders, shipping instructions, bills of lading, weigh bills, correspondence, and all other records necessary to show fully the business transactions of such licensee, all of which shall be open at all times during business hours for the inspection and examination of the state licensing authority or its duly authorized representatives. The state licensing authority may require any licensee to furnish such information as it considers necessary for the proper administration of this article 3, and may require an audit to be made of the books of account and records on any occasions as it may consider necessary by an auditor to be selected by the state licensing authority, who shall likewise have access to all books and records of the licensee, and the expense thereof shall be paid by the licensee.
- h. Licensee violated Regulation 47-700(B), 1 CCR 203-2, which states each licensee shall retain all books and records necessary to show fully the business transactions of such licensee for a period of the current tax year and the three prior tax years. "Books" and "records" include documents or information in printed or paper form as well as documents or information maintained in a readable electronic or digital format. Licensees shall provide copies of books and records requested by the State and Local Licensing Authorities and their duly authorized representatives without unreasonable delay.
- i. Licensee violated Regulation 47-408(D), which states records maintained by the licensee in compliance with section 44-3-701, C.R.S., and regulations 47-700, 1 CCR 203-2, shall include all records of purchases of alcohol beverages.
- j. On April 24, 2024, Tran told the Division investigator that Licensee did not offer or serve sandwiches, snacks or food items.

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 4

- k. Licensee violated subsection 44-3-411(1), C.R.S., which states a beer and wine license shall be issued to persons selling malt and vinous liquors for consumption on the premises. Beer and wine licensees shall have sandwiches and light snacks available for consumption on the premises during business hours, but need not have meals available for consumption.
6. The Division and Licensee agree, in lieu of proceeding with an administrative hearing and subsequent proceedings, that Licensee shall serve a 17-day suspension of Beer & Wine (City) Liquor License No. 03-12430, with eight (8) active days of suspension and nine (9) days to be held in abeyance for a period of one year.
- a. Licensee shall be actively suspended for eight consecutive days, starting at 12:00 a.m. on February 22, 2025, through 11:59 p.m. on March 1, 2025, during which time Licensee shall not serve alcohol of any kind to customers regardless of whether it is given without cost.
  - b. Licensee shall provide photographs of posted signs at the entrance of its licensed premises by sending an email to [led\\_adminactions@state.co.us](mailto:led_adminactions@state.co.us). The signs required to be posted at the entrance of Licensee's licensed premises shall comply with Regulation 47-600(E), 1 CCR 203-2, which states:

Every licensee whose license has been suspended by any licensing authority shall, if ordered by the licensing authority, post two notices in conspicuous places, one on the exterior and one on the interior of its premises, for the duration of the suspension. The notices shall be two feet in length and fourteen inches in width containing lettering not less than ½" in height, and shall be in the following form:

NOTICE OF SUSPENSION  
ALCOHOL BEVERAGE LICENSES ISSUED FOR THESE PREMISES  
HAVE BEEN SUSPENDED BY ORDER OF THE STATE-LOCAL  
LICENSING AUTHORITY FOR VIOLATION OF THE COLORADO  
LIQUOR/BEER AND WINE CODE.

Advertising or posting signs to the effect that the premises have been closed or business suspended for any reason other than by order of the Department suspending alcohol beverage license, shall be a violation of this rule.

- c. Nine days of the suspension imposed shall be held in abeyance for a period of one year, pending no subsequent violations of the Liquor Code or Liquor Regulations.

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 5

7. Licensee acknowledges receipt of sufficient notice, advisement of rights, and process of the proceedings and wishes to resolve all issues which were the subject of the investigation, by entering into this Order.
8. Except as reflected in this Order, neither the facts nor circumstances relating to the underlying investigation that formed the basis for this Order against the Licensee, nor any defenses that Licensee may have to such complaint or investigation, shall be at issue in a proceeding against Licensee for failure to comply with the terms of this Order.
9. This Order shall be admissible as evidence at any future hearing before the State Licensing Authority and may be used in connection with any future actions by the State Licensing Authority.
10. Licensee expressly agrees and acknowledges that Licensee has entered into this Order knowingly and voluntarily. Licensee acknowledges that the terms of this Order were mutually negotiated and agreed upon. Licensee was afforded an opportunity to consult with legal counsel of their choosing and affirms that Licensee has read this Order and fully understands its nature, meaning and content. Licensee agrees that upon execution of this Order, no subsequent action or assertion shall be maintained or pursued by Licensee asserting the invalidity in any manner of this Order.
11. Licensee understands, and knowingly and voluntarily waives, the following rights with respect to the allegations, facts, and issues that are the subject of this Order:
  - a. The right to a formal disciplinary hearing on the merits of the matters forming the basis of this Order and the right to require the Division to meet its burden of proof in a formal hearing;
  - b. The right to cross-examine all witnesses against Licensee at a formal hearing;
  - c. The right to subpoena witnesses, to present evidence and to testify on Licensee's own behalf at a formal hearing;
  - d. The right to engage in pre-hearing exchange of evidence with the Division and to review the Division's evidence prior to hearing; and
  - e. The right to file exceptions and seek administrative review of an initial decision.
12. By signing this Order, the Licensee consents to the terms and conditions described herein and agree to waive the right to judicial review of this Order pursuant to section 24-4-106, C.R.S.

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 6

13. All the costs and expenses incurred by Licensee related to this Order or compliance with this Order shall be the sole responsibility of the Licensee and shall not in any way be the obligation of the Division.
14. If approved by the State Licensing Authority, this Order shall become effective on the date this Order is served upon Licensee as set forth in the attached Certificate of Service. Should the State Licensing Authority reject the terms hereof, Licensee's admissions herein shall be deemed withdrawn, and the matter scheduled for a hearing after issuance of an Order to Show Cause by the State Licensing Authority.
15. Upon approval and order of the State Licensing Authority, this Order shall become a permanent part of the Division's records, and it shall be open to public inspection pursuant to applicable law and the Division's standard policies and procedures.
16. Upon execution by all parties, this Order and all its terms shall have the same force and effect as an order entered after a formal hearing pursuant to sections 24-4-105 and 44-3-601, C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the State Licensing Authority as set forth in the Liquor Code.
17. This Order may be executed by electronic means (facsimile, e-mail, DocuSign etc.), and any signatures delivered electronically will be deemed to be as valid as an original signature. This Order may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or electronic transmission.
18. For the purpose of addressing any future violations of the Order, the Liquor Code, Beer Code, Special Event Code, or Liquor Rules shall hereby include all later adopted codes, rules, or regulations that are in effect at the time of the violation(s).
19. In the event that any provision of this Order is deemed unenforceable by a court of competent jurisdiction, such provision shall be severed, and the remainder of this Order shall be given full force and effect.
20. This Order constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and promises related to the allegations, facts and issues that are the subject of this Order, written or oral between the parties which modify, interpret, construe or affect this Order. Any other allegations, facts and issues not specifically raised or addressed in this Order have not been considered by the parties and are not made a part of this Order.

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 7

Michelle Stone-  
Principato

Digitally signed by Michelle  
Stone-Principato  
Date: 2025.01.13 14:33:17  
-07'00'

Michelle Stone-Principato  
Division Director  
Liquor Enforcement Division

*Date in signature above.*

DocuSigned by:

KENNY TRAN

By: 1nuv (Kenny) 1ran  
2E5AAFF7C598485...  
Owner of Fabulous Nail & Bar Inc. d/b/a  
Fabulous Nail & Bar

DATE: 1/11/2025

**APPROVED and ORDERED** on the date set forth in the electronic signature below.

Heidi  
Humphreys

Digitally signed by Heidi  
Humphreys  
Date: 2025.02.04  
11:52:23 -07'00'

Heidi Humphreys  
Executive Director/CEO  
Colorado Department of Revenue  
State Licensing Authority

*Telecopy or electronic versions of this stipulation which contain telecopy facsimiles of signatures shall be deemed duplicate executed originals of this stipulation. This stipulation may be executed in counterparts and delivered by facsimile, U.S. Mail (or private carrier), or .pdf transmission.*

Stipulation, Agreement, and Order  
Fabulous Nail & Bar Inc. d/b/a Fabulous Nail & Bar  
Beer & Wine (City) Liquor License No. 03-12430  
Page 8

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing **STIPULATION, AGREEMENT, AND ORDER** was placed in the United States Mail, first-class postage and pre-paid, and sent via electronic mail on the date set forth in the electronic signature below, addressed as follows:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Liquor Enforcement Division<br>P.O. Box 17087<br>Denver, CO 80217-0087<br><a href="mailto:dor_led@state.co.us">dor_led@state.co.us</a>                                                                                                                                                                                                                                                                                                                                                                                         | Fabulous Nail & Bar Inc.<br>4900 Larimer Parkway<br>Johnstown, CO 80534<br><a href="mailto:Tkenny1011@gmail.com">Tkenny1011@gmail.com</a> |
| Deanna L. Westfall<br>Senior Assistant Attorney General<br>Marijuana, Liquor and Bankruptcy Unit<br>Revenue & Regulatory Law Section<br>Colorado Department of Law<br>1300 Broadway, 8 <sup>th</sup> Floor<br>Denver CO, 80203<br><a href="mailto:Deanna.westfall@coag.gov">Deanna.westfall@coag.gov</a><br><a href="mailto:melissa.young@coag.gov">melissa.young@coag.gov</a><br><a href="mailto:raquel.mendez@coag.gov">raquel.mendez@coag.gov</a><br><a href="mailto:kellie.anderson@coag.gov">kellie.anderson@coag.gov</a> |                                                                                                                                           |

By: **Alexandra Prichard**  Digitally signed by  
Alexandra Prichard  
Date: 2025.02.06  
10:24:10 -07'00'

---

Alexandra Prichard





450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

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## Town Council Agenda Communication

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**Agenda Date:** 3/17/2025

**Subject:** Resolution 2025-09: Declaring a Short-Term Moratorium on the Town of Johnstown's Acceptance of the Dedication of Consolidated Home Supply Ditch & Reservoir Company Water Shares Adjudicated for Municipal Use in District Court, Water Division No. 1, Case No. 20CW3011, and the Dedication of Water Shares That Have Not Been Adjudicated for Municipal Use

**Attachments:** 1. Resolution 2025-09

**Presented by:** Matt LeCerf

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### Agenda Item Description:

On March 4, 2025, the Town received approval and Decree of the Court for its change case referenced as Case No. 20CW3011. The water shares included in this change case are now permitted for consumptive or municipal use, where historically they were only permitted for irrigation purposes. Specifically to the water shares in this change case, there is a need to fully evaluate the acre-feet yields that can be realized based on the decree. By making a determination on the acre-feet yields, the Town can then accept water dedication of these water shares for the development of projects and to continue supporting our water dedication policy.

Approval of Resolution 2025-09 as presented will implement a temporary moratorium for the dedication of Home Supply Shares associated with Case No. 20CW3011 or for any other shares that are not changed (unadjudicated) at this time. This moratorium will allow our water engineers to evaluate the most accurate yield on the Home Supply Company changed shares from Case No. 20CW3011. Following this evaluation, Staff will bring forward an ordinance for recommendation to Council setting the acre-foot yields on the Case No. 20CW3011 water and unadjudicated water looking forward. It is important to note, that the Town will continue to accept dedication of changed water from the 1998 and 2006 change cases at the limits already prescribed by the Johnstown Municipal Code during this moratorium.

Based on the resolution presented, the moratorium will last for 77 days. A new ordinance would follow the prescriptive process and subject to approval would tentatively become effective on or about June 9, 2025. This ordinance setting the new acre-foot yields can be approved through a stepped process of a first and second reading or by an emergency ordinance.

### Strategic Plan Alignment:

*Organizational Excellence & Public Trust*



- Strengthen public trust and confidence

#### *Quality Infrastructure & Facilities*

- Ensure future viability of infrastructure and facilities

#### **Legal Advice:**

The Town Attorney prepared Resolution 2025-09 as presented.

#### **Financial Advice:**

Not Applicable

#### **Recommended Action:**

Approve Resolution 2025-09 as presented to approve a short-term moratorium on water dedication to the Town.

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#### **Suggested Motions:**

**For Approval:** I move to approve Resolution 2025-09 as presented.

**For Denial:** I move to deny Resolution 2025-09 as presented.

#### **Reviewed and Approved for Presentation**

A handwritten signature in blue ink, appearing to read 'M. LeCerf', with a stylized flourish at the end.

Matt LeCerf, Town Manager

**TOWN OF JOHNSTOWN, COLORADO  
RESOLUTION NO. 2025-09**

**RESOLUTION DECLARING A SHORT-TERM MORATORIUM ON THE  
TOWN OF JOHNSTOWN'S ACCEPTANCE OF THE DEDICATION OF  
CONSOLIDATED HOME SUPPLY DITCH & RESERVOIR COMPANY  
WATER SHARES ADJUDICATED FOR MUNICIPAL USE IN DISTRICT  
COURT, WATER DIVISION NO. 1, CASE NO. 20CW3011, AND THE  
DEDICATION OF WATER SHARES THAT HAVE NOT BEEN  
ADJUDICATED FOR MUNICIPAL USE**

**WHEREAS**, the Town of Johnstown, Colorado (the "Town") is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town's Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, in 2020, the Town commenced a water court case in the District Court, Water Division No. 1, styled as *Concerning the Application for Water Rights of: the Town of Johnstown in Larimer and Weld Counties*, Case No. 20CW3011 ("2020 Water Litigation"), to change the permissible use of certain water shares, some owned by the Town and some owned by third parties, to municipal use; and

**WHEREAS**, on March 4, 2025, the water court entered its Findings of Fact, Conclusions of Law, and Decree in the 2020 Water Litigation ("2020 Water Court Decree"); and

**WHEREAS**, prior to the 2020 Water Litigation, the Town had commenced two water court cases to change the use of water shares to municipal use, an action commenced in the District Court, Water Division No. 1, styled as *Concerning the Application for Water Rights of the Town of Johnstown in the Big Thompson River and its Tributaries in Larimer and Weld Counties*, Case No. 98CW410 ("1998 Water Litigation"), and an action commenced in the District Court, Water Division No. 1, styled as *Concerning the Application for Water Rights of the Town of Johnstown in the Big Thompson River and its Tributaries in Larimer and Weld Counties*, Case No. 06CW224 ("2006 Water Litigation"); and

**WHEREAS**, based on the final water court decrees entered in the 1998 Water Litigation and the 2006 Water Litigation, the Town Council adopted Section 13-123 of the Johnstown Municipal Code, setting forth the raw water credit allocated to each water share dedicated to the Town; and

**WHEREAS**, the 2020 Water Court Decree provides a lower yield for each Consolidated Home Supply Ditch & Reservoir Company water share decreed for municipal use in the 2020 Water Litigation than the yield allocated by the water court in the 1998 Water Litigation and the 2006 Water Litigation; and

**WHEREAS**, due to the 2020 Water Court Decree, the Town must reassess the raw water credit that will be allocated to Consolidated Home Supply Ditch & Reservoir Company water shares dedicated to the Town that are decreed for municipal use pursuant to the 2020 Water Litigation and to all water shares that are not decreed for municipal use; and

**WHEREAS**, to provide Town staff, as well as the Town's water counsel and water engineer, time to assess the proper raw water credit attributable to such water shares and bring forth an Ordinance for the Town Council's consideration that would amend the raw water credit set forth in Section 13-123 of the Johnstown Municipal Code, Town staff requests that the Town Council impose a short-term moratorium on the Town's acceptance of the dedication of Consolidated Home Supply Ditch & Reservoir Company water shares decreed for municipal use in the 2020 Water Litigation and all water shares that have not been decreed for municipal use; and

**WHEREAS**, the Town Council supports Town staff's request and desires to impose a short-term moratorium on the dedication of the above-described water shares to the Town; and

**WHEREAS**, the Town Council finds that the adoption of this Resolution is in the best interests of the citizens of the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

1. The Town Council hereby declares a short-term, seventy-seven (77) day, moratorium on the Town's acceptance of the dedication of Consolidated Home Supply Ditch & Reservoir Company water shares decreed for municipal use in the 2020 Water Litigation and of all water shares that have not been decreed for municipal use. From the effective date of this Resolution through June 2, 2025, the Town shall not accept the dedication of such water shares.

2. For development projects that require the dedication of water prior to June 2, 2025, wherein the applicant desires to dedicate Consolidated Home Supply Ditch & Reservoir Company water shares decreed for municipal use in the 2020 Water Litigation or water shares that have not been decreed for municipal use, the Town Manager and the Town Attorney are directed to work with such applicants on a case-by-case basis to provide a reasonable solution, in the form of a written agreement that the applicant may defer dedication of water shares until after June 2, 2025 or any other reasonable alternative, on the condition that the applicant remain obligated to dedicate the proper amount of water to the Town.

3. This Resolution shall be effective upon adoption.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_ day of March, 2025.

ATTEST:

TOWN OF JOHNSTOWN, COLORADO

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor



450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

## **Town Council Agenda Communication**

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**Agenda Date:** 3/17/2025

**Subject:** Ordinance 2025-268: Amending the Johnstown Municipal Code Concerning Special Police Officers

**Attachments:** 1. Ordinance 2025-268

**Presented by:** Jeff Strossner

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### **Agenda Item Description:**

Enforcement of the Town municipal code is not always best achieved through the use of POST-certified police officers. High levels of customer service and response can be achieved by utilizing specially trained and empowered civilian personnel, both paid and volunteer.

Currently, the municipal code does not appear to specifically designate the powers of code enforcement officers or community service officers. This new ordinance will allow the Chief of Police to issue letters of authority providing limited police powers to community service officers, code enforcement officers, or similarly titled positions to enforce specified municipal codes including parking, limited traffic violations, or specific municipal criminal charges such as code enforcement, littering and rubbish, illegal burning, etc. Additionally, the ordinance allows for the appointment of special investigators to assist the department with defined criminal and/or background investigations.

The proposed ordinance will allow the Chief of Police to determine the best staffing models necessary to preserve public safety and respond to the non-emergent needs of the community and enhance the work of the department's investigations unit.

### **Strategic Plan Alignment:**

Organizational Excellence & Public Trust

- Strengthen public trust and confidence

Safe & Welcoming community

- Provide and maintain public safety services and awareness in our community
- Partner in creating more community based, community service and action opportunities

Quality Infrastructure & Facilities

- Establish and maintain levels of service

**Legal Advice:**

The Town Attorney prepared the Ordinance.

**Financial Advice:**

N/A

**Recommended Action:**

Recommend approval of Ordinance 2025-268 on first reading as presented.

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**Suggested Motions:**

**For Approval:** I move to approve Ordinance No. 2025-268, on first reading.

**For Denial:** I move to deny Ordinance No. 2025-268, on first reading.

**Reviewed and Approved for Presentation**



Town Manager

**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2025-268**

**AN ORDINANCE ADDING SECTION 2-98 TO THE JOHNSTOWN  
MUNICIPAL CODE CONCERNING SPECIAL POLICE OFFICERS**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, Article IV of Chapter 2 of the Johnstown Municipal Code (“Code”) regulates the Johnstown Police Department; and

**WHEREAS**, to provide a better defined process and mechanism for the Chief of Police to appoint special police officers to undertake certain police-related work, Town staff, including Chief Jeff Strossner, recommends that the Town Council amend Article IV of Chapter 2 of the Code to add Section 2-98, setting forth the procedure and parameters for the appointment of special police officers, including, but not limited to, community service officers, code enforcement officers and special investigators; and

**WHEREAS**, based on the recommendation of Town staff, the Town Council desires to amend Article IV of Chapter 2 of the Code to add Section 2-98; and

**WHEREAS**, the Town Council finds, determines and declares that this Ordinance is promulgated under the general police power of the Town and is in the best interests of the Town.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, AS FOLLOWS:**

**Section 1.** Section 2-98 is hereby added to the Johnstown Municipal Code and shall read as follows:

**Sec. 2-98. – Special police officers.**

By letter of appointment, the Chief of Police may appoint any person as a special police officer. A special police officer may, at the discretion of the Chief of Police, be referred to as a community service officer, code enforcement officer or special investigator or by any other reasonable title and may be an employee or volunteer of the Town. A special police officer shall be a peace officer, possess only those powers, privileges and duties specified in the letter of appointment and conform to and be subject to all rules and regulations governing the Johnstown Police Department and all special rules and regulations the Chief of Police may make concerning special police officers. At the discretion of the Chief of Police, a special police officer may be removed or discharged from such position at any time with or without cause.

**Section 2. Severability.** If any part or provision of this Ordinance, or its application to any person or circumstance, is adjudged to be invalid or unenforceable, the invalidity or unenforceability of such part, provision, or application shall not affect any of the remaining parts, provisions or applications of this Ordinance that can be given effect without the invalid provision, part or application, and, to this end, the provisions and parts of this Ordinance are declared to be severable.

**Section 3. Publication; Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor



450 S. Parish Avenue  
Johnstown, CO 80534  
970-587-4664  
[JohnstownCO.gov](http://JohnstownCO.gov)

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## Town Council Agenda Communication

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**Agenda Date:** 3/17/2025

**Subject:** Ordinance 2025-269: For the Regulation of Traffic by the Town of Johnstown; Adopting by Reference the 2024 edition of the Model Traffic Code; Providing for Certain Deletions from and Additions and Modifications to such Code; Repealing all Ordinances in conflict therewith; and providing penalties for violations thereof.

**Attachments:** 1. Ordinance 2025-269

**Presented by:** Avi Rocklin, Jeff Strossner

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### Agenda Item Description:

Enclosed for your review and consideration is a request to update the Town's existing traffic code to the new 2024 Model Traffic Code, plus additional deletions and amendments as noted in the ordinance. State law allows municipalities to adopt by reference all or any part of the model traffic code. The 2024 code includes the latest revisions enacted by the Colorado Legislature. The Town has modified some specific sections within the Code to simplify the statutes, making them clearer to understand and enforce.

### Strategic Plan Alignment:

#### *Safe & Welcoming Community*

- Provide and maintain public safety services and awareness in our community

### Legal Advice:

The Town Attorney prepared the Ordinance.

### Financial Advice:

N/A

### Recommended Action:

Approve the adoption of the 2024 Model Traffic Code and associated amendments on first reading.

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### Suggested Motions:



**For Approval:** I move to approve Ordinance 2025-269 as presented on first reading.

**For Denial:** I move to deny Ordinance 2025-269 as presented on first reading.

**Reviewed and Approved for Presentation,**

A handwritten signature in blue ink, appearing to be 'W. J. C.', is written above a horizontal line.

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Town Manager

**TOWN OF JOHNSTOWN, COLORADO  
ORDINANCE NO. 2025-269**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF  
JOHNSTOWN, COLORADO; ADOPTING BY REFERENCE THE 2024  
EDITION OF THE MODEL TRAFFIC CODE; PROVIDING FOR CERTAIN  
DELETIONS FROM AND ADDITIONS AND MODIFICATIONS TO SUCH  
CODE; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND  
PROVIDING PENALTIES FOR VIOLATION THEREOF.**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, pursuant to § 42-4-110(1)(b), C.R.S., municipalities may, in the manner prescribed by Parts 1 and 2 of Article 16 of Title 31, C.R.S., adopt by reference all or any part of a model traffic code to control and regulate the movement and parking of motor vehicles as provided by state traffic laws; and

**WHEREAS**, the Colorado Department of Transportation has prepared and adopted a 2024 revised edition of the Model Traffic Code for Colorado; and

**WHEREAS**, the Town Council desires to adopt the 2024 revised edition of the Model Traffic Code for Colorado, with deletions, additions and modifications as specified below.

**BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

**Section 1.** Section 8-21 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-21. Adoption**

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, there is hereby adopted by reference the 2024 Edition of the Model Traffic Code for Colorado (“Model Traffic Code”), promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 2829 W. Howard Place, Denver, CO 80204. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Town Clerk and may be inspected during regular business hours.

**Section 2.** Section 8-22 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-22. Deletions from the 2024 Model Traffic Code.**

The 2024 edition of the Model Traffic Code is adopted subject to the following deletions:

- (1) Section 511; and
- (2) Section 1705.

**Section 3.** Section 8-23 of the Johnstown Municipal Code is hereby repealed and reenacted to read as follows:

**Section 8-23. Additions or modifications to the 2024 Model Traffic Code.** The 2024 edition of the Model Traffic Code is adopted subject to the following additions or modifications:

- (1) Section 604(1)(c)(I)(A) is hereby amended to read as follows:

**604. Traffic control signal legend.**

- (1)(c)(I)(A) Such vehicular traffic, after coming to a stop and yielding the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection, may make a right turn, unless state or local road authorities within their respective jurisdictions have prohibited any such right turn by erecting an official sign at each intersection where such right turn is prohibited.

- (2) Section 614(1) is hereby amended to read as follows:

**614. Designation of highway maintenance, repair, or construction zones - signs – increase in penalties for speeding violations.**

(1)(a) If maintenance, repair or construction activities are occurring or will occur within four hours on a portion of a state highway, the department of transportation may designate such portion of the highway as a highway maintenance, repair or construction zone. Any person who commits traffic violations in a maintenance, repair or construction zone that is designated pursuant to this section is subject to increased penalties.

(b) If maintenance, repair or construction activities are occurring or will occur within four hours on a portion of a roadway that is not a state highway, the public entity conducting the activities may designate such portion of the roadway as a maintenance, repair or construction zone. Any person who commits traffic violations in a maintenance, repair or construction zone that is designated pursuant to this section is subject to increased penalties.

- (3) Section 1101(4) is hereby amended to read as follows:

**1101. Speed limits.**

- (4) No person shall drive a vehicle on a street or highway within the Town at a speed greater than the speed limit posted on official traffic control signs; or, if no speed limit is posted on an official traffic control sign, at a speed greater than set forth in subsection (2) of this section or as provided by ordinance as the maximum lawful speed limit, whichever is greater.

- (4) Section 1101(7) is hereby amended to read as follows:

- (7) Notwithstanding paragraphs (a), (b), and (c) of subsection (2) of this section, the Town may by ordinance adopt absolute speed limits as the maximum lawful speed limits in its jurisdiction.

(5) Section 1209 is hereby amended in full to read as follows:

**1209. Owner liability for parking violations.**

- (1) In any prosecution for an alleged violation of any of the parking restrictions imposed by this Part 12, proof that the particular vehicle described in the notice or complaint was stopped, standing or parked in violation of any such rule or regulation, together with proof that the defendant named in the notice or complaint was at the time of such stopping, standing or parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who stopped, placed or parked such vehicle at the place where and for the time during which such violation occurred.
- (2) In addition to any other liability provided for in this Code, the owner of a motor vehicle who is engaged in the business of leasing or renting motor vehicles is liable for payment of a parking violation fine unless the owner of the leased or rented motor vehicle was, at the time of the parking violation, in the care, custody or control of another person. To avoid liability for payment, the owner of the motor vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the prosecutorial division of the appropriate jurisdiction the name and address of the person or company who lease, rented or otherwise had the care, custody or control of such vehicle. As a condition to avoid liability for payment of a parking violation, any person or company who leases or rents motor vehicles to another person shall attach to the leasing or rental agreement a notice stating that, pursuant to the requirements of this section, the operator of the vehicle is liable for payment of a parking violation fine incurred when the operator has the care, custody or control of the motor vehicle. The notice shall inform the operator that the operator name and address shall be furnished to the prosecutorial division of the appropriate jurisdiction when a parking violation fine is incurred by the operator.

(6) Section 1409 is hereby amended in full to read as follows:

**1409. Compulsory insurance - penalty.**

- (1) No owner of a motor vehicle or low power scooter required to be registered in this state shall operate the vehicle or permit it to be operated on the public highways of this municipality when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by state law.
- (2) No person shall operate a motor vehicle or low-power scooter on the public highways of this municipality without a complying policy or certificate of self-insurance in full force and effect as required by state law.
- (3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, an owner or operator of a motor vehicle or low-power scooter shall present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law.

- (a) As used in this section, “evidence of a complying policy or certificate of self-insurance in full force and effect” includes the presentation of such policy or certificate upon a cell phone or other electronic device.
- (b) If a complying policy or certificate of self-insurance is provided by a cell phone or other electronic device, the law enforcement officer to whom the operator presents the device and any law enforcement agency that employs the officer are immune from any civil damages resulting from the officer dropping or otherwise unintentionally damaging the cell phone or other electronic device.
- (4) Any person who violates the provisions of subsections (1), (2), or (3) of this section commits a misdemeanor.
- (5) Testimony of the failure of any owner or operator of a motor vehicle or low power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by state law, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.
- (6) No person charged with violating subsections (1), (2), or (3) of this section shall be convicted if the person produces a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by state law, at the time of the alleged violation.

(7) Section 1417 is hereby added to read as follows:

**Section 1417. Expired license plates/registrations/temporary permit.**

- (1) Pursuant to state law, § 42-3-114, C.R.S., as amended, every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each twelve-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law, not later than thirty days after the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street or highway within the Town.
- (2) No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof.
- (3) A temporary vehicle registration may not be used on any vehicle after the expiration of the period for which the permit was issued

(8) Section 1418 is hereby added to read as follows:

**Section 1418. Driving while license denied or suspended.**

- (1) It shall be unlawful for any person to drive a motor vehicle or off-highway vehicle upon any street or roadway in this Town with knowledge that such person’s license or privilege to drive, either as a resident or a nonresident, is under restraint for any reason.
- (2) For the purpose of this section, the following definitions shall apply:

- (a) ‘Knowledge’ means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person’s license or privilege to drive was under restraint. ‘Knowledge’ does not mean knowledge of a particular restraint or knowledge of the duration of restraint.
    - (b) ‘Restraint’ or ‘restrained’ means any denial or suspension of a person’s license or privilege to drive a motor vehicle in this State, or any combination of denials or suspensions.
  - (3) In any trial for a violation of this section, a duly authenticated copy of the record of the defendant’s former convictions and judgments and alcohol-related driving offenses pursuant to Section 42-4-1301(1) or (2), C.R.S., from any court of record or certified copy of the record of any denial of a defendant’s driving privilege under Section 42-2-126(2)(a), C.R.S., from the State of Colorado Department of Motor Vehicles shall be prima facie evidence of such convictions, judgments, or denial and may be used in evidence against such defendant.
  - (4) In any prosecution for a violation of this section, the fact of the restraint may be established by certification that a notice was mailed by first-class mail pursuant to Section 42-2-119(2), C.R.S., to the known address of the defendant, or by delivery of such notice to the last known address of the defendant, or by personal service of such notice upon the defendant.
- (9) Section 1419 is hereby added to read as follows:

**Section 1419. Driving without a current driver’s license.**

- (1) No person shall drive any motor vehicle upon a street, road or highway within the Town unless such person has been issued a currently valid driver’s or minor driver’s license or an instruction permit by a State Department of Motor Vehicles.
- (2) No person who has been issued a currently valid driver’s or minor driver’s license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the Town without having such license or permit in such person’s immediate possession. A charge of a violation of this section shall be dismissed by the court if the defendant, at or before the defendant’s scheduled court appearance, exhibits to the court a currently valid driver’s or minor driver’s license or an instruction permit issued to such person; provided that such currently valid driver’s license or minor driver’s license or instruction permit shall also have been valid on the date the defendant was issued the citation.
- (3) No person who has been issued a currently valid driver’s or minor driver’s license or an instruction permit shall drive a type or general class of motor vehicle upon a street, road or highway within the Town for which such person has not been issued the correct type or general class of license or permit.
- (4) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
  - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed

through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section, or the applicable conditions for exemption, as set forth in § 42-2-102, C.R.S., as amended, exist.

- (b) The issue of justification or exemption is an affirmative defense. Unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue and bears the burden of proof regarding the affirmative defense.

- (9) Section 1420 is hereby added to read as follows:

**Section 1420. Permitting unauthorized person to drive.**

No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any street or highway within the Town by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such a person to drive a motor vehicle upon any street or highway in violation of the conditions or restrictions contained in a license or permit which has been issued to such other person.

- (10) Section 1421 is hereby added to read as follows:

**Section 1421. Automatic point reduction.**

If a person receives a penalty assessment notice for a violation and such person pays the fine and surcharge for the violation on or before the date the payment is due, the points assessed for the violation shall be reduced as follows:

- (1) For a violation having an assessment of three (3) or more points, the points are reduced by two (2) points.
- (2) For a violation having an assessment of two (2) points, the points are reduced by one (1) point.

**Section 4. Penalties.** It is unlawful for any person to violate any of the provisions adopted in this Ordinance. Every person convicted of a violation of any provision adopted in this Ordinance, notwithstanding the fines that may be contained in 2024 edition of the Model Traffic Code, shall be punished as provided in Johnstown Municipal Code Section 8-26.

**Section 5. Application.** This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of the Town, the use of the Town has jurisdiction and authority to regulate. The provisions of sections 1401, 1402 and 1413 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving and eluding a police officer, and those concerning accidents and accident reports, shall apply not only to public places and ways but also throughout the Town.

**Section 6. Validity.** If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council

hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

**Section 7. Repeal.** Existing or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

**Section 8. Interpretation.** This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and the adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

**Section 9. Certification.** The Town Clerk shall certify to the passage of this Ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

**Section 10. Effective Date.** This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter. Copies of the entire Ordinance are available at the office of the Town Clerk.

**INTRODUCED, AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Meghan Martinez, Town Clerk Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_ By: \_\_\_\_\_  
Meghan Martinez, Town Clerk Michael P. Duncan, Mayor





450 S. Parish Avenue  
Johnstown, CO 80534  
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## Town Council Agenda Communication

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**Agenda Date:** 3/17/2025

**Subject:** Ordinance 2025-265: Change of Zone for Waggoner Farms

**Attachments:**

1. Council TAC - February 19, 2025
2. Planning & Zoning Commission Staff Report
3. Ordinance 2025-265
4. Vicinity Map
5. Zoning Map
6. Concept Plan
7. Staff Presentation

**Presented by:** Jeremy Gleim

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### Agenda Item Description:

#### EXECUTIVE DESCRIPTION

The applicant, MIC TDC Hwy 60 Johnstown, LLC, has submitted an application for a Change of Zone and Preliminary Plat for the property known as Waggoner Farm. A full analysis of the request, with conclusions and recommendations, is included in the Town Council staff report dated February 19, 2025, and the Planning & Zoning Commission staff report dated September 25, 2024 (Attachments 1 and 2 respectively).

#### TOWN COUNCIL MEETING – FEBRUARY 19, 2025

Staff presented this project to the Town Council at their regular meeting on February 19, 2025. After due consideration of the staff report, presentation, public testimony, and discussion among council members, a motion was made to approve Ordinance 2025-265 to change the zoning of the subject property from PUD-B to MU-NC. The motion failed to obtain a second, and was therefore not eligible for a vote. No alternative motions were made, so no action was taken on the project.

The primary point of concern was the inclusion of residential land uses on the project site.

#### Strategic Plan Alignment:

Natural & Built Environment

- Expect and encourage community centered design
- Support a broad range of housing options

**Legal Advice:**

The Town Attorney prepared Ordinance 2025-265

**Financial Advice:**

N/A

**Recommended Action:**

The Planning & Zoning Commission recommends that the Town Council approve Ordinance 2025-265, to change the zoning of Waggoner Farms from PUD-B to MU-NC.

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**Suggested Motions:**

**For Approval:** I move to approve Ordinance No. 2025-265, approving MU-NC zoning for Subdivision Case No. SUB23-0021 on first reading.

**For Denial:** I move to deny Ordinance No. 2025-265 on first reading.

**Reviewed and Approved for Presentation**



Matt LeCerf, Town Manager



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## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** February 19, 2025

**SUBJECT:** Public Hearing – Subdivision Case No. SUB23-0021 which includes a Preliminary Plat and Change of Zone for Waggoner Farm

**ACTION PROPOSED:**

1. Consideration Of Ordinance 2024-262 Approving MU-NC Zoning For Waggoner Farms; and,
2. Consideration Of Resolution 2024-48 Approving A Preliminary Plat For The Waggoner Farms Subdivision

**ATTACHMENTS:**

1. Planning & Zoning Commission Staff Report
2. Ordinance 2024-262 (Change of Zone)
3. Resolution 2024-48 (Preliminary Plat)
4. Vicinity Map
5. Zoning Map
6. Preliminary Plat
7. Concept Plan
8. Staff Presentation

**PRESENTED BY:** Jeremy Gleim, AICP, Planning and Development Director

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### EXECUTIVE DESCRIPTION

The applicant, MIC TDC Hwy 60 Johnstown, LLC, has submitted an application for a Change of Zone and Preliminary Plat for the property known as Waggoner Farm. A full analysis of the request, with conclusions and recommendations, is included in the Planning & Zoning Commission staff report dated September 25, 2024 (Attachment #1).

### TOWN COUNCIL MEETING – NOVEMBER 4, 2024

This project was originally scheduled for public hearing on November 4, 2024. In preparation for that meeting, a public hearing notice was published in the Johnstown Breeze (October 24, 2024) and public hearing notices were mailed to all property owners within 800 feet of the project. At the applicant's request, the item was removed from that agenda and tabled for further consideration. Since the project was not continued to a specific hearing date, additional notices were published and distributed.

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## **PLANNING & ZONING COMMISSION SUMMARY**

On September 25, 2024, the Planning & Zoning Commission (Commission) convened a regular meeting and held a public hearing for this project. Staff presented the project to the Commission, which was followed by comments from the Applicant. The Commission Chair opened the public hearing and invited comments from the public. No members of the public spoke for or against the project.

After due consideration of the staff report, presentations, and discussion, a motion was made to recommend that the Town Council approve Subdivision Case No. SUB23-0021 for MU-NC zoning and a preliminary plat. The motion was approved unanimously on a 7/0 vote.

## **PUBLIC NOTICE**

Notice for the Town Council public hearing was published in the Johnstown Breeze, on Thursday, February 6, 2025. Notices were mailed to all property owners within 800 feet of the subject property. This notice included a vicinity map and the proposed subdivision map.

## **STRATEGIC PLAN ALIGNMENT**

- Natural & Built Environments
  - *Expect and encourage community-centered design.*

## **LEGAL ADVICE:**

The Town Attorney prepared Ordinance 2024-262 and Resolution 2024-48 for this request.

## **FINANCIAL ADVICE:**

NA

## **CONDITIONS OF APPROVAL:**

The following Conditions of Approval are project specific, for the most part, and shall be implemented in the preparation of final platting and future development. The conditions that are not project specific are simply included as informational items due to time limitations and/or code requirements.

1. The applicant shall dedicate a quantity of water, as deemed necessary by the Town and/or Town's consultants, to satisfy irrigation demands for parkway and common area landscaping. These demands shall be memorialized in a Water and Sewer Service Agreement, which shall be approved by the Town Council in conjunction with the Final Plat.
2. Pursuant to Section 17-2-2(4)(b), an approved preliminary plat shall be effective for two (2) years. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.
3. Lot 1 of the Preliminary Plat shall be reserved for residential development under its proposed design and layout. If commercial development is desired for Lot 1 in the future, the applicant/property owner shall re-plat said lot to conform with the lot size requirements for non-residential lots in the MU-NC zone (17-6-2(A)).
4. A 30-foot landscape buffer/setback shall be required along Colorado Boulevard, pursuant to the Town's adopted Transportation Plan and other technical studies for Colorado Boulevard.
5. No development shall occur on the property prior to approval of a Final Plat.

6. The concept plan which has been included in the submittal packet does not approve any specific land uses, site development plans, or anything else. The concept plan is for illustrative purposes only.
7. The existing 16-inch water transmission line that bisects the property shall be rerouted pursuant to the details shown on the preliminary plat or placed within a 30-foot easement if it is to remain in its current location.

**RECOMMENDED ACTION:** The Planning & Zoning Commission recommends that the Town Council **APPROVE:** 1) Ordinance 2024-262, to establish MU-NC zoning; and, 2) Resolution 2024-48 for a Preliminary Subdivision Plat for Subdivision Case No. SUB23-0021 (Waggoner Farm). The ordinance and resolution must be voted on separately.

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**SUGGESTED MOTIONS:**

**ORDINANCE 2024-262**

**For Approval:** I Move To Approve Ordinance No. 2024-262, Approving MU-NC Zoning For Subdivision Case No. SUB23-0021.

**For Denial:** I Move To Deny Ordinance No. 2024-262

**RESOLUTION 2024-48**

**For Approval:** I Move To Approve Resolution No. 2024-48, Approving The Preliminary Plat For Subdivision Case No. SUB23-0021.

**For Denial:** I Move To Deny Resolution No. 2024-48

*Reviewed and Approved for Presentation,*



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Town Manager



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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**HEARING DATE:** September 25, 2024

**SUBJECT:** Public Hearing – Subdivision Case No. SUB23-0021 which includes a Preliminary Plat and Change of Zone for Waggoner Farm

**ACTION PROPOSED:** Make a recommendation to the Town Council regarding Subdivision Case No. SUB23-0021

**LOCATION:** Northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). Parcel No. R4651286, 1061-01-0-00-009

**APPLICANT:** MIC TDC Hwy 60 Johnstown, LLC

**ATTACHMENTS:**

1. Vicinity Map
2. Preliminary Plat
3. Zoning Map
4. Preliminary Landscape Plan
5. Concept Plan
6. Staff Presentation

**PRESENTED BY:** Jeremy Gleim, AICP, Planning & Development Director

---

### BACKGROUND & SUMMARY

The applicant, MIC TDC Hwy 60 Johnstown, LLC, submitted a Land Use application for a Change of Zone, Preliminary Plat, and Preliminary Development Plan in December of 2023. These applications were submitted for the property commonly referred to as Waggoner Farm, which is located at the northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). The legal description reads as follows: All that part of the Southeast  $\frac{1}{4}$  of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral. The property measures approximately 17.44 acres.

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It should be noted that the application for Preliminary Development Plan, which was submitted with the application packet, is not relevant to this request and is not being considered with the application. Preliminary Development Plans (PDPs) are associated with Planned Development applications (PUD/PD). The applicant is requesting a Change of Zone from PUD-B to MU-NC (Mixed-Use Neighborhood Commercial). If approved, the subject property will be bound by the requirements set forth in the Town of Johnstown Land Use and Development Code (LUDC); therefore, a Preliminary Development Plan is not necessary or applicable to the current request.

Pursuant to Section 17-2-5(C)(2) of the LUDC, the applicant may present a preliminary sketch or Concept Plan for review by staff or the Planning and Zoning Commission and Town Council. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project. Review of the concept plan does not result in any inherent approvals but it provides an opportunity to receive feedback from staff, the Planning Commission, and elected officials. A concept plan has been developed and is included in the hearing packet as Attachment No. 5.

## **CHANGE OF ZONE**

The subject property was annexed into the Town of Johnstown via Ordinance No. 2003-702, which was originally recorded by Weld County on December 15, 2003 (Reception No. 3135239), and re-recorded with corrections on October 18, 2006 (Reception No. 3428360). In conjunction with the adopted ordinance for annexation, Ordinance No. 2003-703 was also adopted for the purpose of establishing zoning for the subject property. The subject property was zoned PUD-B (Business) pursuant to the aforementioned ordinance, which was recorded by Weld County on December 15, 2003 (Reception No. 3135240).

## **SURROUNDING ZONING & LAND USE**

|       |                                          |                                                                                                                         |
|-------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| North | R-1 (Residential)                        | <ul style="list-style-type: none"> <li>• Corbett Glen Neighborhood</li> <li>• Johnstown Elwell Cemetary</li> </ul>      |
| East  | PUD-R (Residential)                      | <ul style="list-style-type: none"> <li>• Graded Subdivision (Purvis)</li> <li>• Existing Single-Family Homes</li> </ul> |
| South | PUD-R                                    | <ul style="list-style-type: none"> <li>• Vacant Land</li> <li>• Clearview Neighborhood</li> </ul>                       |
| West  | PUD-R (Residential)<br>R-1 (Residential) | <ul style="list-style-type: none"> <li>• Corbett Glen</li> <li>• Existing Single-Family Home</li> </ul>                 |

Pursuant to the Future Land Use map in the Town of Johnstown Comprehensive Plan (Comp Plan), this land is located in a Medium Density/Intensity land use area. As described in the Comp Plan, MDI areas will generally be characterized by a more balanced, and wider-ranging mix of land uses

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– incorporating walk-up apartment buildings, townhomes, small lot attached and detached single-family housing, in close proximity to neighborhood-scale shopping, personal services, restaurants, small medical facilities, and facilities such as libraries and recreational centers. Commercial uses may be developed as stand-alone sites or be grouped in small 10 to 20-acre centers or campuses. MDI areas should have attractive streetscape along major corridors and walkable, pedestrian scale commercial areas that connect to adjacent neighborhoods. The density range for MDI areas is 5 – 16 dwelling units per acre.

## **LAND USE HISTORY**

Historically, this land has been used for agriculture and there are a number of structures in the northeast corner of the property.

## **REQUEST**

The applicant is requesting to change the current zoning on the property to a new zoning designation of MU-NC (Mixed-Use Neighborhood Commercial). In 2023, the Town adopted an updated Land Use & Development Code (LUDC), which included significant updates to neighborhood, residential, and non-residential design standards. Changing the zone to MU-NC will provide the opportunity to use the updated LUDC as the regulatory development code.

## **MU-NC Zoning Designation**

Pursuant to Section 17-4-1 of the LUDC, the MU-NC District provides for small-scale and low-intensity uses that complement, support, and are integrated into surrounding neighborhoods and other higher-intensity commercial areas. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively, if automobile oriented, the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lower intensity of the uses. The general application of this zoning designation is within Activity Centers or commercial areas in the Moderate Intensity Area.

The MU-NC zone allows for a wide range of uses, including residential, retail, office, lodging, food & beverage, and civic uses, amongst many others. The full list of permitted and conditionally permitted uses is provided in Table 4-2 of the LUDC. Given the underlying land use designation of Medium Density/Intensity, the MU-NC zoning designation is appropriate for this location.

## **PRELIMINARY PLAT**

A preliminary plat was submitted as part of the application packet. Pursuant to Section 17-2-2(D) of the LUDC, any subdivision not eligible as a minor plat is a major subdivision that shall require approval of a preliminary plat and a final plat. In accordance with Section 17-2-2(D)(4), the Town Council's ultimate approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat. An approved preliminary plat shall be effective for two years. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.

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The preliminary plat proposes to subdivide the property into eight (8) lots, two (2) tracts, and right-of-way. Lot 1 is the largest of the proposed lots at 290,407 square feet (6.6 acres). This lot comprises most of the north half of the property and is planned for residential multi-family development. This could be a viable location for an affordable housing project. Lots 2 – 8 are slated for commercial development and range in size from 27,085 square feet to 62,124 square feet (0.6 acres to 1.4 acres). The two tracts are being created for open space, drainage, utility, access, and irrigation easements. Right-of-way for the project measures 58,415 square feet (1.3 acres).

The lots slated for commercial development (Lots 2 – 8) are oriented on the south and east portions of the lot, which are positioned along Highway 60 and Colorado Boulevard, respectively. There are two access point which will serve the project site, one on Highway 60 and one on Colorado Boulevard; neither access point will be signalized.

### **Access and Circulation**

The access point along Highway 60 will be a 3/4 movement, meaning that vehicular traffic will be able to make right turns into the project, right turns out of the project back onto the highway, and left turns into the project while traveling east on the highway. This access point is located approximately 1,100 feet west of the Highway 60/Colorado Boulevard intersection.

The access point along Colorado Boulevard is not restricted to a 3/4 movement, meaning drivers will be able to turn left and right, into and out of the project site. This may be revised in the future if traffic patterns and/or volumes constitute the need to restrict movements for safety purposes. This access point is located approximately 575 feet north of the Highway 60/Colorado Boulevard intersection.

Internal circulation is proposed as a private driveway that traverses the site, generally speaking, on an east-west alignment. This private drive connects to both access points described above. The internal circulation is housed in an access easement that will be maintained by the HOA in perpetuity. The private drives provide access to each of the proposed lots.

### **Lot Design and Layout**

The preliminary plat proposes the creation of eight (8) developable lots. The table below provides information regarding the size and intention of each lot:

|       | <b>Size (Square Feet)</b> | <b>Size (Acres)</b> | <b>Intended Use</b>      |
|-------|---------------------------|---------------------|--------------------------|
| Lot 1 | 290,407                   | 6.7                 | Multi-Family Residential |
| Lot 2 | 60,510                    | 1.4                 | Commercial               |
| Lot 3 | 27,085                    | 0.6                 | Commercial               |
| Lot 4 | 37,186                    | 0.9                 | Commercial               |
| Lot 5 | 42,284                    | 1.0                 | Commercial               |

|                   |                |             |            |
|-------------------|----------------|-------------|------------|
| Lot 6             | 47,617         | 1.1         | Commercial |
| Lot 7             | 51,791         | 1.2         | Commercial |
| Lot 8             | 62,124         | 1.4         | Commercial |
| <b>LOT TOTALS</b> | <b>619,004</b> | <b>14.2</b> |            |

Table 6-1 of the LUDC prescribes non-residential lot and building standards for the MU-NC zone (image below). As shown, lot sizes are prescribed between 2,000 and 40,000 square feet with 80% maximum lot coverage. These standards assume a development pattern wherein lots are arranged around a shared or common parking area. These standards do not lend so well to projects that are developed on a lot-by-lot basis wherein parking is included within the bounds of individual lots.

| <b>Table 6-1: Non-residential Lot &amp; Building Standards</b> |                              |  |                            |                             |                          |                    |                 |                              |
|----------------------------------------------------------------|------------------------------|--|----------------------------|-----------------------------|--------------------------|--------------------|-----------------|------------------------------|
| <i>Zoning District</i>                                         | <i>Minimum Lot Standards</i> |  |                            | <i>Minimum Setbacks [5]</i> |                          |                    |                 | <i>Building Height (max)</i> |
|                                                                | <i>Area</i>                  |  | <i>Lot Coverage (max.)</i> | <i>Front [1]</i>            | <i>Interior Side [2]</i> | <i>Corner Side</i> | <i>Rear [3]</i> |                              |
| <b>MU-NC</b>                                                   | 2K – 40K s.f.                |  | 80%                        | 10' – 25'                   | 5'                       | 20'                | 10'             | 40' / 3 stories              |

Although some of the proposed commercial lots exceed the 40,000 square foot maximum size, it should be noted that when landscape buffers, utility and access easements, and setbacks are considered, none of the lots exceed the 40,000 square foot threshold. This is an important distinction, because the threshold exists to promote pedestrian-scale development that serves neighborhood functions. This is not intended to be a destination/regional commercial center; rather, it is intended to provide everyday services that will support nearby residents and community members.

Pursuant to Table 5-1 in the LUDC, residential lots for large lot/large complex apartments require a minimum lot size of 30,000 square feet, with no upper limit. Therefore, Lot 1 complies with this standard, provided it remains as a lot for large complex apartment development. If this lot becomes the subject for commercial development, rather than residential development, it shall be re-platted to conform with the standards listed above.

### **Landscaping Buffers**

Landscape buffers are proposed along the public streets. In partnership with the Colorado Department of Transportation (CDOT), in February of 2023 the Colorado Highway 60 System Feasibility Study (Study) was published to investigate Highway 60 between Interstate 25 and Weld County Road 19. Although this section of roadway is in the Town of Johnstown, CDOT has jurisdiction over its development. Street sections for Highway 60 were included in the Study and are being used to evaluate new proposals.

The updated street section for the westbound half-width of Highway 60, between High Plains Blvd. and Telep Ave. depicts two through lanes, a five (5) foot wide bike lane, and a 12-foot right turn/acceleration lane. A 10-foot landscape area is positioned between the pavement and a 10-foot-wide sidewalk. Since the Study was focused on roadway functionality, and not aesthetics, a review of the Town's adopted Transportation Master Plan (TMP) is required to understand any landscape buffers associated with this segment of roadway. Pursuant to the exhibit on page 33 of said TMP, labeled *Four-Lane Divided: I-25 to Telep Ave*, the landscape buffer is not specified numerically and simply indicates that it will vary. The typical major arterial street section in the TMP specifies a 30-foot landscape buffer beyond the right-of-way.

Regarding the typical street section for this segment of roadway, as shown in the Study, it was determined that it would be safer to remove the on-street bike lane in favor of an off-street facility that could accommodate all forms of pedestrian movement. Therefore, with the removal of the five (5) foot wide on-street bike lane, an additional four feet is being added to the required 10-foot-wide sidewalk, resulting in a 14-foot-wide concrete path for pedestrian travel.

The applicant is proposing landscape buffers along Highway 60 that vary from 20 – 30 feet in width. At the western extent of the project along Highway 60, where the 20-foot buffer is proposed, there would still be approximately 45 feet of landscaping between the edge of street pavement and any lot development. This complies with the standards set forth in the Study, the TMP, and the LUDC.

Pursuant to the TMP, Colorado Blvd. is listed as a Regionally Significant Major Arterial; however, due to existing constraints north of the subject property, alternative street design standards were created specifically for the segment of roadway adjacent to the subject property. Pursuant to the revised standards, a 30-foot landscape buffer is required along this length of roadway. The preliminary plat depicts a varying buffer of 20 – 30 feet. In order to comply with adopted standards, a 30-foot landscape buffer shall be required across this entire frontage.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting regarding this project was held on August 13, 2024, at the Senior Center in downtown Johnstown. Notices advertising this meeting were mailed to all property owners within 800 feet of the project site. The meeting was well attended, with 30 – 40 attendees. The applicant provided an overview of the project and then opened for discussion. A number of questions were asked, and a couple issues of concern were raised; they are summarized as follows:

### ***Questions:***

1. *Widening of Colorado Boulevard*
2. *The type of housing product being considered*
3. *Pedestrian crossing across Highway 60*
4. *Internal access connecting to property immediately west of the project site*

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5. *HOA maintenance of common areas*
6. *Right-of-way dedications*
7. *Design guidelines*
8. *Re-routing of the ditch*
9. *Water use/dedication*
10. *Car washes and water waste*
11. *Timing of the project*
12. *Size of the buildings that would be developed*

**Concerns:**

1. *Vacancy/occupancy concerns given existing available commercial space*
2. *Visibility when exiting the project onto Colorado Boulevard*

The applicant responded to all questions and concerns and spoke with interested parties after the conclusion of the meeting. Staff has received one inquiry about the project since the neighborhood meeting. The inquiry came from the property owners to the immediate west of the subject property regarding shared access/circulation. Staff provided contact information to all parties so that they could schedule time to discuss options. It should be noted, staff is not opposed to a shared access point between the two properties, specifically to reduce access points along Highway 60; however, it is not required that the two property owners coordinate a shared access point.

**PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, September 12, 2024. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 800 feet of the property. This notice included a map of the proposed project.

**COMPREHENSIVE PLAN ALIGNMENT:**

- Goal L1 – Ensure neighborhood character and amenities contribute to the health and wellbeing of diverse residents.
- Goal W2 – Balance more intense commercial uses along major highway corridors while having neighborhood-scale commercial in the downtown and throughout the community to ensure convenient access to jobs, goods, and services for all residents.

**STRATEGIC PLAN ALIGNMENT:**

- Natural & Built Environment
  - *Guide growth in the community through appropriate annexation, zoning, planning, and land use development.*

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## FINDINGS OF FACT

Findings of fact for the Change of Zone and Preliminary Plat are listed separately below.

### Change of Zone

Pursuant to Section 17-2-3(B) of the LUDC, the review, recommendations, and decisions for a proposed rezone shall be based on the following criteria.

***1. The rezone furthers one or more of the purposes of these regulations in Section 17-1-3, and on balance any purposes that may be undermined are outweighed by the benefits of those purposes it furthers, because;*** the proposed rezone would eliminate the current PUD zoning on the property in favor of MU-NC zoning, which is fully regulated and governed by the adopted Land Use and Development Code. Additionally, this Change of Zone would better integrate with the Town's Comprehensive Plan and provide the regulatory framework to help execute the visions set forth therein.

***2. The proposal is consistent with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan, because;*** any development on the property would be subject to, and regulated by, the adopted Land Use and Development Code (LUDC). The LUDC was drafted and adopted subsequent to the update of the Town's Comprehensive Plan (Comp Plan) as a tool to implement said Comp Plan.

***3. The change is consistent with the intent of the proposed zoning district, specifically considering:***

***a. the design of streets, civic spaces and other open space, because;*** the applicant shall be required to dedicate and construct right-of-way improvements that will benefit the public street network.

***b. the pattern, scale, and format of buildings and sites, because;*** the plat has been designed to accommodate neighborhood businesses and not destination retail/commercial users.

***c. the compatibility and transition with other complementary uses and development in the vicinity, because;*** MU-NC zoning is intended to serve neighborhood functions in a pedestrian-scale format. As proposed, this project is designed for neighborhood scale users which would provide services to the immediate and surrounding neighborhoods. MU-NC uses are intentionally limited to integrate with neighborhood development.

***4. The change is necessary for at least one of the following reasons:***

***a. There has been a material change in the character of the area or in the Town generally, such that the proposed rezone is in the public interest, because;*** the Johnstown Area Comprehensive Plan and the Land Use and Development Code have been updated since this property was initially zoned, and the change to MU-NC zoning will help implement the goals and strategies set forth within said documents.

***b. The change will serve a community need or provide an amenity or benefit to the surrounding area that was not anticipated at the time of the initial zoning, because;*** the current Johnstown

Area Comprehensive Plan was not adopted at the time of initial zoning, nor was the current Land Use and Development Code. These two documents provide visioning and implementation regulations which are much more developed than the current zoning of the property.

**5. *The Town or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district, because;*** the project was referred to responsible agencies and no comments were received stating that services could not be provided. The applicant and/or developer shall be required to dedicate the applicable water shares necessary to support development.

**6. *Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design, and engineering practices or are outweighed by broader public benefits to the surrounding community, because;*** the proposed rezone will help promote and implement the goals and strategies in the Johnstown Area Comprehensive Plan.

**7. *If owner-initiated, at least two-thirds of the subject property owners within the change of zone boundary have signed the application.*** This Change of Zone application meets the eligibility criteria for review.

**8. *If owner-initiated, the subject property has not been included in a rezone action in the prior 12 months, with the exception of property in the H-A zoning district which was established concurrent with annexation.*** This property has not been included in a rezone action in the prior 12 months.

**9. *The recommendations of any professional staff and advisory review bodies have been considered.*** This application has been reviewed by professional staff and advisory review bodies.

#### **Preliminary Plat**

Pursuant to Section 17-2-2(D)(2), A preliminary plat shall be reviewed according to the following criteria.

**a. *The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan, because;*** it has been reviewed pursuant to adopted plans and policies and has been found to meet the requirements of the Johnstown Area Comprehensive Plan and the adopted Land Use and Development Code.

**b. *The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.*** There are no known geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land that will be negatively affected by the preliminary plat.



*c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of this code and are coordinated with existing or potential development on adjacent property, because;* the project has been reviewed for consistency with the Town's adopted plans and policies. Additionally, the applicant is proposing an internal drive stub to the property immediately west of the project site, which could aid in circulation for that property when it develops.

*d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, because;* the preliminary plat application was submitted with a concurrent change of zone application, and the proposed preliminary plat was designed for adherence with the MU-NC zoning designation.

*e. The application demonstrates preliminary feasibility of being able to meet the design, construction, performance, and maintenance requirements for all required improvements, because;* the applicant has submitted public and private construction drawings which demonstrate the feasibility of being able to meet the improvement requirements.

*f. Phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.* No phasing is proposed with this preliminary plat application.

*g. Any impacts identified by specific studies or technical reports, including a review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments, because;* the project has been review and commented on by professional staff engineers and planners, as well as the Town's consulting engineers.

*h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area, because;* the applicant is coordinating with the Town on public infrastructure improvements as part of this application.

*i. The plat has addressed issues of professional staff, or any other public entity or review agencies asked to officially review the preliminary plat and received positive recommendations.* The applicant has responded to all comments in a manner that results in a positive recommendation for this preliminary plat.

**RECOMMENDED ACTION:** Pursuant to the content in the staff report, including the Findings of Fact presented above, staff is recommending **APPROVAL** of the request for Change of Zone and Preliminary Platting associated with Subdivision Case No. SUB23-0021. There are two actions associated with this project and each one must be voted on separately. The first is the consideration of the Change of Zone, and the second is the consideration of the Preliminary Plat.

---

## **SUGGESTED MOTIONS:**

### **CHANGE OF ZONE**

**For Approval:** I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** of a change of zone for the subject property from PUD-B to Mixed-Use Neighborhood Commercial - MU-NC

**For Denial:** I move that the Planning and Zoning Commission recommend that the Town Council deny the change of zone pursuant to the following finding(s)...

### **PRELIMINARY PLAT**

**For Approval:** I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** the preliminary plat for Subdivision Case No. SUB23-0021

**For Denial:** I move that the Planning and Zoning Commission recommend that the Town Council deny the preliminary plat for Subdivision Case No. SUB23-0021 pursuant to the following finding(s)...



**TOWN OF JOHNSTOWN, COLORADO**  
**ORDINANCE NO. 2025-265**

**ORDINANCE APPROVING A CHANGE OF ZONE FOR PROPERTY  
KNOWN AS WAGGONER FARM, SITUATED IN THE SOUTHEAST  
QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF  
THE 6TH P.M., TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE  
OF COLORADO, CONSISTING OF APPROXIMATELY 17.444 ACRES,  
FROM PLANNED UNIT DEVELOPMENT-BUSINESS (PUD-B) TO  
MIXED USE-NEIGHBORHOOD COMMERCIAL (MU-NC)**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, MIC TDC Hwy 60 Johnstown, LLC, a Colorado limited liability company (“Owner”), applied to rezone the property known as Waggoner Farm, situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 17.444 acres, being more particularly described on Exhibit A, which is attached hereto and incorporated herein by this reference (“Property”), from Planned Unit Development – Business (PUD-B) to Mixed Use – Neighborhood Commercial (MU-NC); and

**WHEREAS**, on September 25, 2024, the Town’s Planning and Zoning Commission held a public hearing and recommended approval of Mixed Use – Neighborhood Commercial (MU-NC) zoning for the Property; and

**WHEREAS**, on March 17, 2025, the Town Council held a public hearing to determine appropriate zoning for the Property and, based upon the evidence received at the hearing, finds that the requested rezoning of the Property to Mixed Use – Neighborhood Commercial (MU-NC) conforms to the *Johnstown Area Comprehensive Plan* and Section 17-2-3 of the Town of Johnstown Land Use and Development Code and should be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

1. Zoning of the Property shall hereby and hereinafter be designated as Mixed Use – Neighborhood Commercial (MU-NC).
2. All other Ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed. To the extent an outline development plan was previously approved for the Property in connection with the annexation of the Property and the initial zoning of the Property, the Property shall no longer be subject to such outline development plan.

3. This Ordinance, after its passage on final reading, shall be numbered, recorded, published and posted as required by the Home Rule Charter of the Town of Johnstown, Colorado (“Charter”) and the adoption, posting and publication shall be authenticated by the signature of the Mayor and the Town Clerk and by the Certificate of Publication. This Ordinance shall become effective upon final passage as provided by the Charter.
4. Upon its effective date, the Town Clerk is hereby directed to file this Ordinance with the real estate records of the Weld County Clerk and Recorder.

**INTRODUCED AND APPROVED** on first reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_ day of \_\_\_\_\_, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**PASSED UPON FINAL APPROVAL AND ADOPTED** on second reading by the Town Council of the Town of Johnstown, Colorado, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;

THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;

THENCE South 89°43'16" West, a distance of 165.09 feet;

THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2 " rebar with a 2" aluminum cap;

THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;

THENCE along the centerline of said Home Supply Ditch the following 13 courses;

THENCE North 27°55'00" East a distance of 98.10 feet;

THENCE North 33°55'52" East a distance of 73.03 feet;

THENCE North 46°52'30" East a distance of 47.66 feet;

THENCE North 60°59'36" East a distance of 22.85 feet;

THENCE North 77°48'56" East a distance of 156.81 feet;

THENCE North 79°39'59" East a distance of 84.00 feet;

THENCE North 87°54'42" East a distance of 44.57 feet;

THENCE South 86°04'26" East a distance of 306.85 feet;

THENCE North 88°52'57" East a distance of 52.70 feet;

THENCE North 82°05'53" East a distance of 50.11 feet;

THENCE North 80°27'37" East a distance of 40.02 feet;

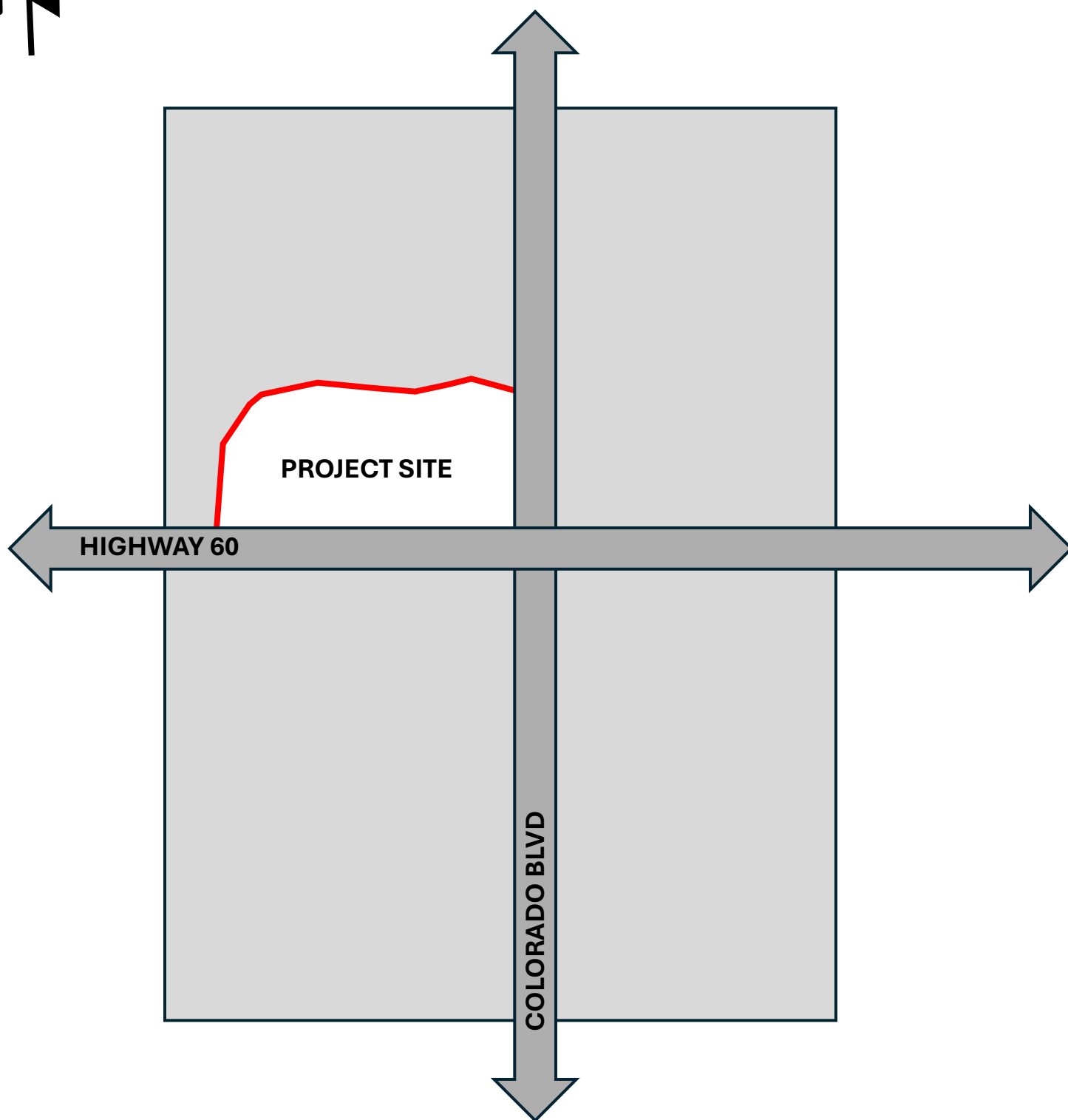
THENCE North 73°56'16" East a distance of 42.04 feet;

THENCE North 64°47'00" East a distance of 62.02 feet;

THENCE South 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;

THENCE South 67°15'47" East a distance of 96.96 feet to the east line of said Southeast Quarter;

THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.



VICINITY MAP



# WAGGONER FARM ZONING MAP

## TOWN OF JOHNSTOWN, COLORADO

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,

TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

17.444 Acres

### PARCEL DESCRIPTION

All that part of the Southeast 1/4 of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral.

EXCEPTING therefrom that parcel as conveyed in Warranty Deed recorded January 5, 1911 in Book 337 at Page 409, as Reception Number 162565 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 16, as Reception Number 1253788 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 18, as Reception Number 1253789 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 20, as Reception Number 1253790 of the records of the Weld County Clerk and Recorder.

### TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

### TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

and being more particularly described as follows, to wit:

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;  
THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;  
THENCE South 89°43'16" West, a distance of 165.09 feet;  
THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2 " rebar with a 2" aluminum cap;  
THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;  
THENCE along the centerline of said Home Supply Ditch the following 13 courses;  
THENCE North 27°55'00" East a distance of 98.10 feet;  
THENCE North 33°55'52" East a distance of 73.03 feet;  
THENCE North 46°52'30" East a distance of 47.66 feet;  
THENCE North 60°59'36" East a distance of 22.85 feet;  
THENCE North 77°48'56" East a distance of 156.81 feet;  
THENCE North 79°39'59" East a distance of 84.00 feet;  
THENCE North 87°54'42" East a distance of 44.57 feet;  
THENCE South 86°04'26" East a distance of 306.85 feet;  
THENCE North 88°52'57" East a distance of 52.70 feet;  
THENCE North 82°05'53" East a distance of 50.11 feet;  
THENCE North 80°27'37" East a distance of 40.02 feet;  
THENCE North 73°56'16" East a distance of 42.04 feet;  
THENCE North 64°47'00" East a distance of 62.02 feet;  
THENCE South 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;  
THENCE South 67°1547" East a distance of 96.96 feet to the east line of said Southeast Quarter;  
THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.

Said described parcel of land contains 759,848 Square Feet or 17.444 Acres, more or less (±).

OWNERS: MIC TDC Hwy 60 Johnstown, LLC, a Colorado Limited Liability Company.

By: \_\_\_\_\_ As: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

### NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

### NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

### LIENHOLDERS - EQUITY BANK

By: \_\_\_\_\_ As: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

### NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

### TOWN COUNCIL APPROVAL

This Map to be known as WAGGONER FARM ZONING MAP is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number \_\_\_\_\_, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor Attest: \_\_\_\_\_  
Town Clerk

### BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., monumented as shown on this plat, as bearing South 89°22'43" West, a distance of 2,652.47 feet and with all other bearings contained herein relative thereto.

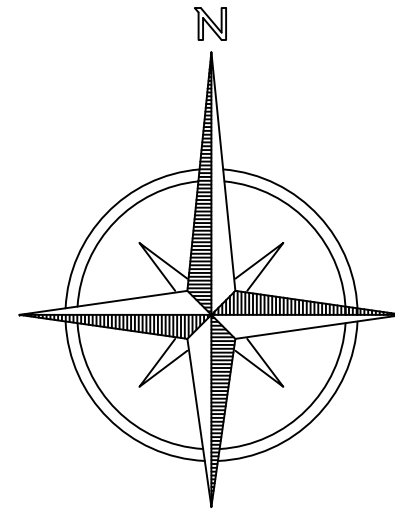
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

### TITLE COMMITMENT NOTE

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number 459-HS0819500-414, Amendment No. 6, dated August 5, 2024, as prepared by Heritage Title Company to delineate the aforesaid information. This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

### SURVEYOR'S CERTIFICATE

I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Zoning Map is an accurate representation of the property to the best of my knowledge, information, belief, and in my professional opinion. I further state that this certificate does not extend to any unnamed parties or the successors and/or assigns.



VICINITY MAP  
SCALE: 1" = 1000'

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | N05°50'52"W | 23.80' |
| L2         | N03°45'01"E | 31.32' |
| L3         | N27°55'00"E | 98.10' |
| L4         | N33°55'52"E | 73.03' |
| L5         | N46°52'30"E | 47.66' |
| L6         | N60°59'36"E | 22.85' |
| L7         | N79°39'59"E | 84.00' |
| L8         | N87°54'42"E | 44.57' |
| L9         | N88°52'57"E | 52.70' |
| L10        | N82°05'53"E | 50.11' |
| L11        | N80°27'37"E | 40.02' |
| L12        | N73°56'16"E | 42.04' |
| L13        | N64°47'00"E | 62.02' |
| L14        | N84°31'53"E | 9.79'  |
| L15        | N01°02'06"E | 4.52'  |
| L16        | N60°59'36"E | 22.85' |
| L17        | N46°52'30"E | 47.66' |
| L18        | N33°55'52"E | 73.03' |
| L19        | N27°55'17"E | 97.98' |
| L20        | N05°29'27"W | 27.54' |
| L21        | S89°38'13"W | 33.30' |
| L22        | S00°46'08"E | 76.22' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L23        | N05°50'52"W | 63.78' |
| L24        | N89°04'59"E | 18.29' |
| L25        | N89°04'59"E | 18.17' |
| L26        | N00°03'47"E | 27.00' |
| L27        | S89°54'51"E | 28.42' |
| L28        | S89°57'56"E | 18.91' |
| L29        | N00°00'25"E | 13.50' |
| L30        | N89°59'35"W | 13.93' |
| L31        | S24°06'52"W | 66.65' |
| L32        | S27°55'17"W | 95.84' |
| L33        | S33°55'52"W | 60.69' |
| L34        | N58°38'42"W | 42.31' |
| L35        | N00°41'07"W | 26.69' |
| L36        | N89°56'05"W | 31.27' |
| L37        | S00°03'55"W | 10.78' |
| L38        | S89°56'05"E | 45.37' |
| L39        | S89°56'05"E | 40.37' |
| L40        | S89°56'05"E | 5.00'  |
| L41        | S00°03'47"W | 5.00'  |
| L42        | N89°55'30"W | 86.46' |
| L43        | N00°03'44"E | 18.00' |
| L44        | S89°56'05"E | 20.00' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L45        | S00°03'55"W | 18.00' |
| L46        | N00°03'55"E | 27.52' |
| L47        | N89°45'09"W | 14.48' |
| L48        | N00°14'51"E | 20.00' |
| L49        | S89°45'09"E | 10.00' |
| L50        | N00°14'51"E | 19.24' |
| L51        | S89°45'09"E | 20.00' |
| L52        | S00°14'51"W | 15.71' |
| L53        | S89°56'05"E | 35.41' |
| L54        | S89°56'05"E | 20.40' |
| L55        | N00°00'00"E | 19.68' |
| L56        | N90°00'00"E | 20.00' |
| L57        | N00°00'00"E | 19.70' |
| L58        | N44°39'21"E | 59.62' |
| L59        | S44°39'21"W | 50.91' |
| L60        | S67°09'21"W | 64.78' |
| L61        | N67°09'21"E | 55.39' |
| L62        | N00°21'32"W | 3.09'  |
| L63        | N89°38'28"E | 20.00' |
| L64        | S00°21'32"E | 16.46' |

### LEGEND

|           |                   |   |                                                    |
|-----------|-------------------|---|----------------------------------------------------|
| — — — — — | BOUNDARY LINE     | ■ | ALIQUOT CORNER AS DESCRIBED                        |
| - - - - - | RIGHT OF WAY LINE | ■ | FOUND MONUMENT AS DESCRIBED                        |
| - - - - - | SECTION LINE      | ○ | CALCULATED POSITION                                |
| - - - - - | CENTERLINE        | ● | SET 24" OF #4 REBAR WITH PINK PLASTIC CAP LS 38844 |
| - - - - - | LANDSCAPE BUFFER  | ◆ | FOUND #4 REBAR WITH YELLOW PLASTIC CAP LS 7242     |

# PRELIMINARY

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



|                     |                         |            |       |
|---------------------|-------------------------|------------|-------|
| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
| DATE: 8-21-2024     | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313ZONE  |            |       |
| CHECKED BY: SIP     | SCALE: = N/A            |            |       |

# 1

SHEET 1 OF 2



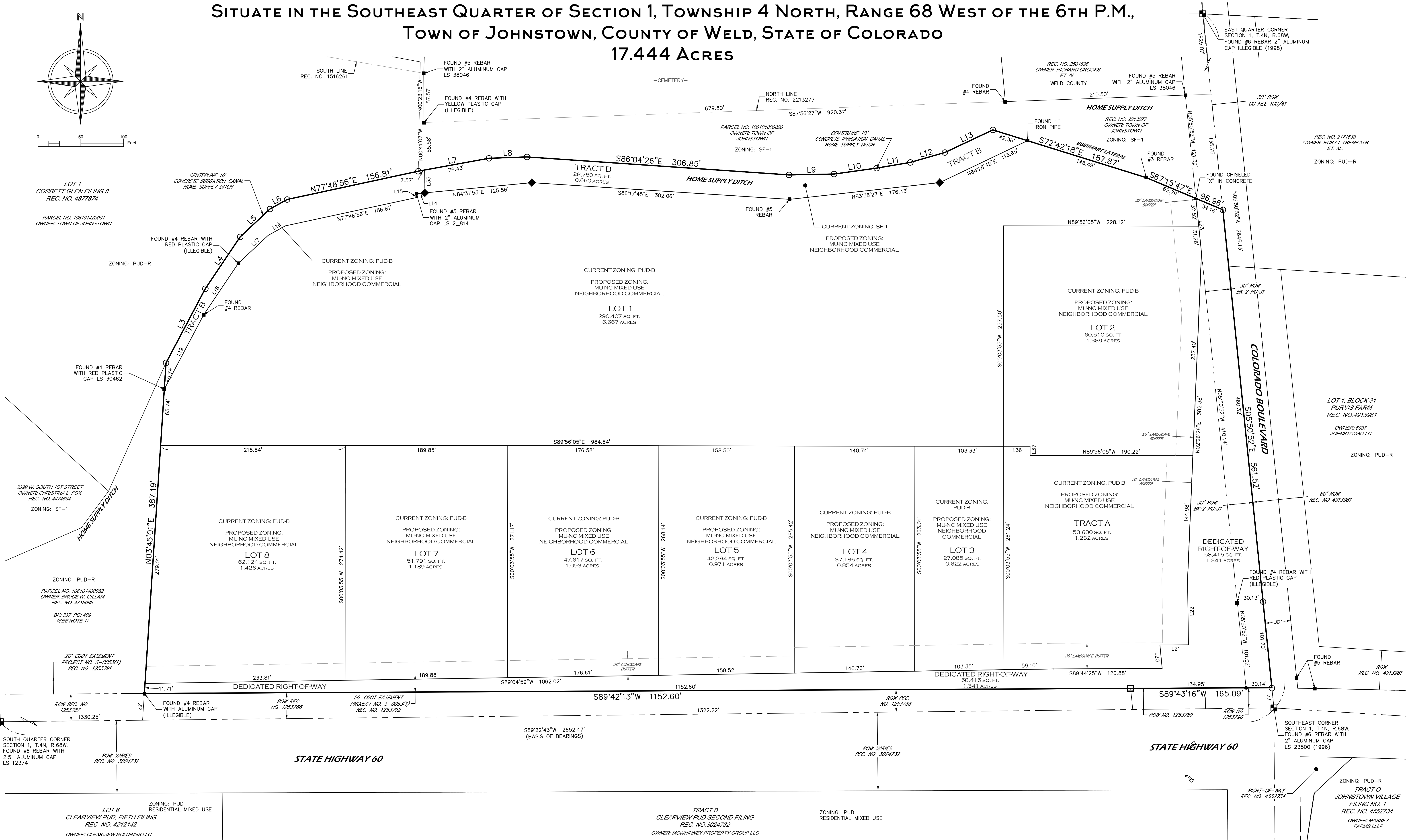
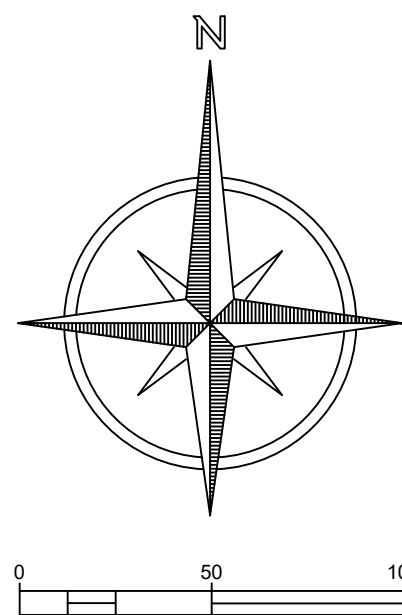
# WAGGONER FARM ZONING MAP

TOWN OF JOHNSTOWN, COLORADO

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,

TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

17.444 ACRES



PRELIMINARY

#### NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
|---------------------|-------------------------|------------|-------|
| DATE: 8-21-2024     | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313ZONE  |            |       |
| CHECKED BY: SIP     | SCALE: 1" = 50'         |            |       |

2

SHEET 2 OF 2



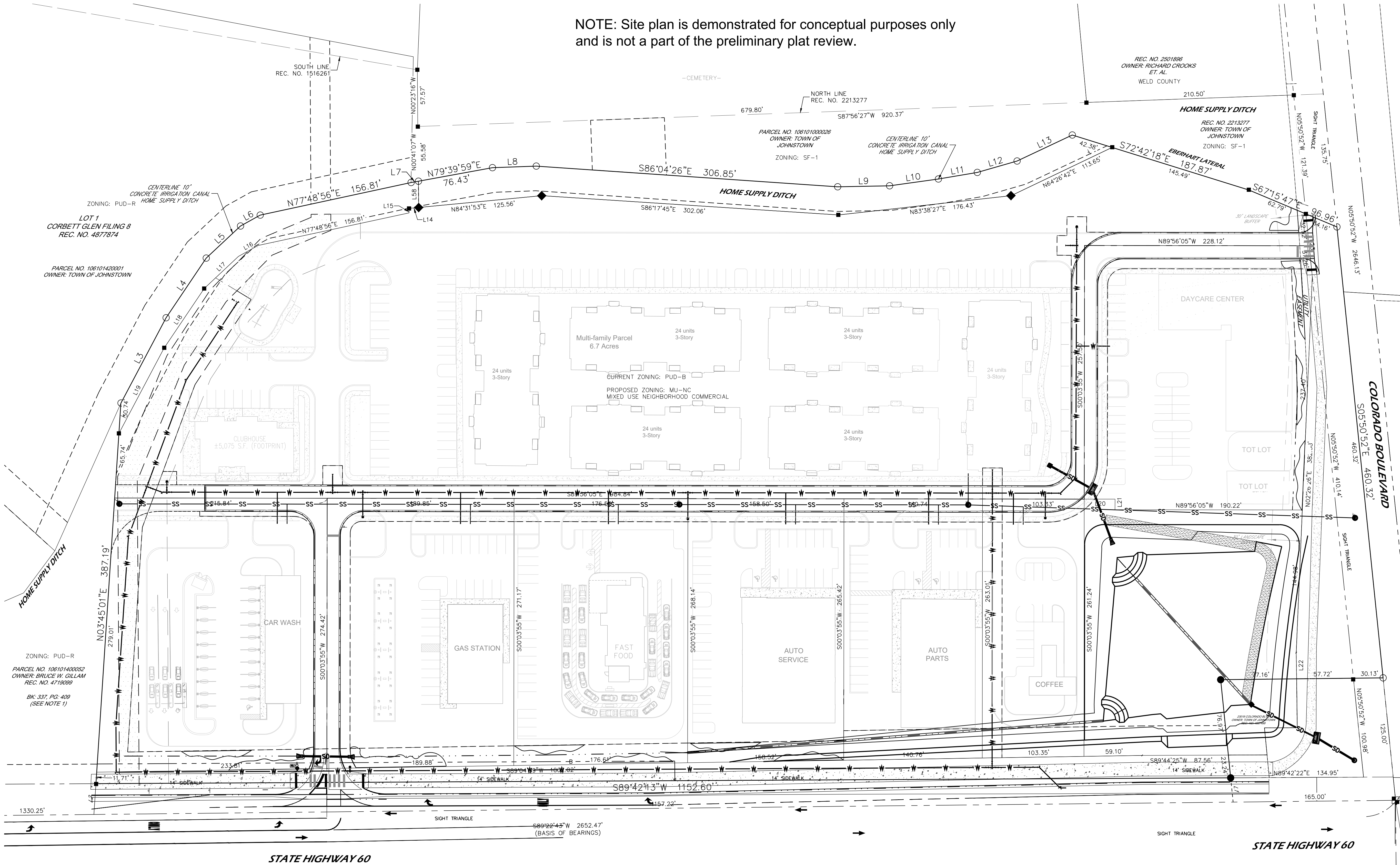
# WAGGONER FARM

BEING A SUBDIVISION OF A PARCEL OF LAND  
SITUATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

16.547 ACRES

## CONCEPT PLAN

NOTE: Site plan is demonstrated for conceptual purposes only  
and is not a part of the preliminary plat review.



PLANSCAPES  
DESIGN GROUP  
LAND PLANNING | LANDSCAPE ARCHITECTURE

PLANSCAPES DESIGN GROUP  
980 Norway Maple Drive  
Loveland, CO 80538  
970-988-5301



PROJECT NAME:  
WAGGONER FARM

DRAWING TITLE:  
CONCEPT PLAN

DRAWN BY:  
ET

CHECKED BY:  
RM

APPROVED BY:

DATE:  
6/3/2024

SITE  
Waggoner Farm  
NW corner of WCR 13 & Hwy 60

CLIENT  
MIC TDC Highway 60 Johnstown, LLC  
401 Linden Street, Unit 1-401  
Fort Collins, CO 80524

| REV | DESCRIPTION | DATE     |
|-----|-------------|----------|
| 1   | Submittal 1 | 12/13/23 |
| 2   | Submittal 2 | 6/3/24   |
| 3   | Submittal 3 | 8/9/24   |

SHEET NO:

26 of 28

LOT 6  
CLEARVIEW PUD, FIFTH FILING  
ZONING: PUD  
RESIDENTIAL MIXED USE  
REC. NO. 4212142

TRACT B  
CLEARVIEW PUD SECOND FILING  
ZONING: PUD  
RESIDENTIAL MIXED USE  
REC. NO. 3024732

ZONING: PUD  
RESIDENTIAL MIXED USE

# Ordinance 2025-265 – Change of Zone Resolution 2025-06 – Preliminary Plat

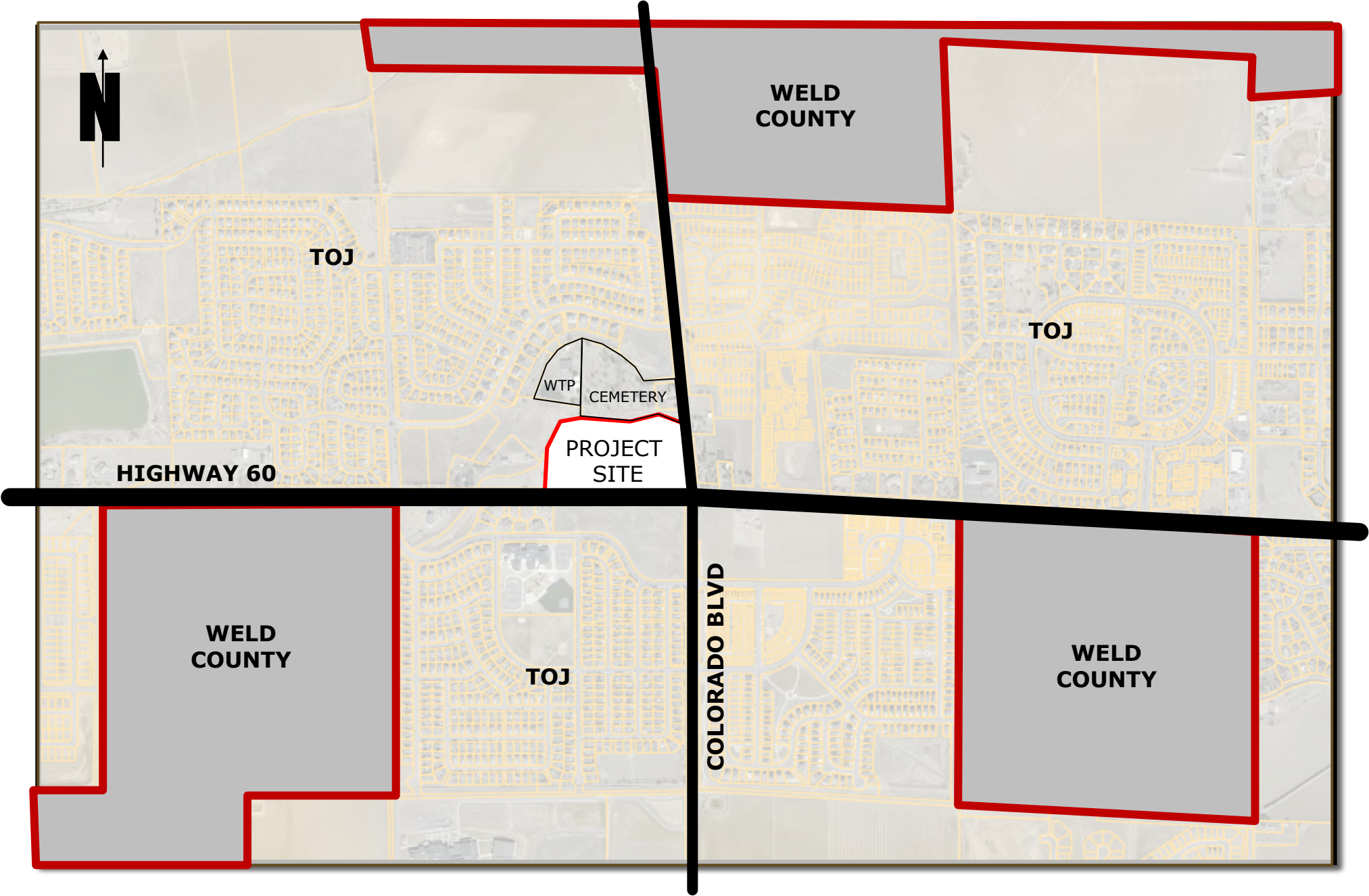
**Waggoner Farms**  
Change of Zone  
Preliminary Plat  
Subdivision Case No. SUB23-0021

Town Council  
March 17, 2025

*The Community that Cares*



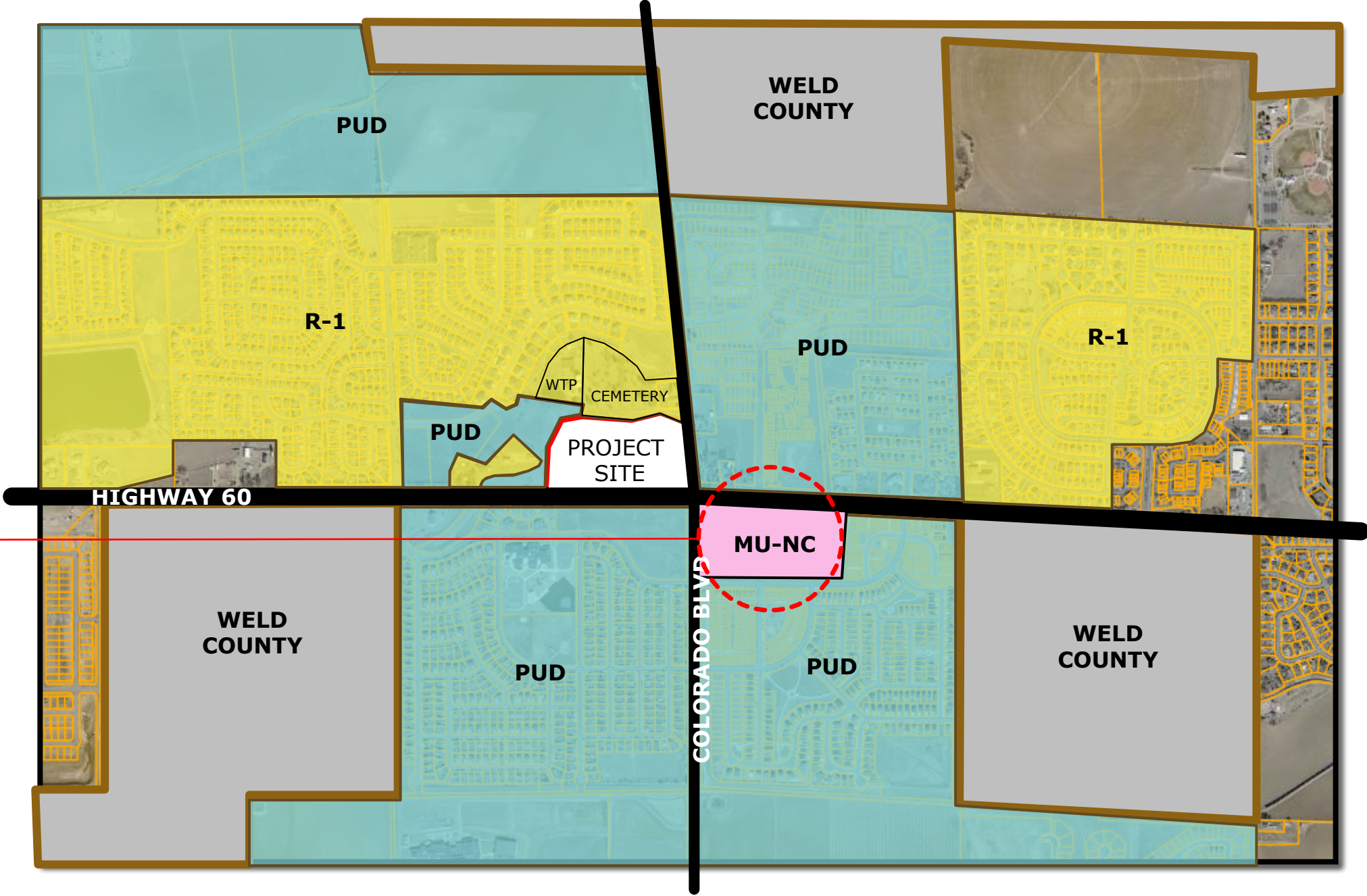
**VICINITY MAP**



**ZONING**

Existing: PUD-B  
Proposed: MU-NC

**Massey Square**  
Rezoned in 2023  
PUD-MU to MU-NC  
Ord. 2023-262





## CURRENT ZONING – PUD-B

Annexed pursuant to Ordinance 2003-702

Zoned pursuant to Ordinance 2003-703

### PUD-B Zoning Designation

(c) PUD-B, Planned Unit Development Business District:

- (1) Intent. The PUD-B District is created to provide for construction of planned business and shopping centers. It is intended to promote the grouping of consumer oriented professional and business uses and to provide areas large enough to establish harmonious relationships between structures, people and motor vehicle impact with the use of well planned parking access, pedestrian walkways, courtyards, malls and landscaped open space.
- (2) Size. There is no minimum size for the PUD-B district. Any business development which is substantially dependent upon shared access, parking and other facilities with other lots should be developed as a PUD.
- (3) Uses permitted. Within the PUD-B District, the following uses shall be permitted, subject to meeting all applicable criteria and regulations:
  - a. Any nonresidential permitted use, conditional use or accessory use allowed in CB or SC Districts.
  - b. Residential uses, provided such use mix is found to be beneficial to the Town, consistent with the Comprehensive Plan and compatible with the surrounding uses.
  - c. If applicable, any use not included above, however permitted in the underlying zoning district.



*The Community that Cares*

# LAND USE DESIGNATION

## MDI

MEDIUM DENSITY/INTENSITY

**LDI**  
LOW DENSITY/INTENSITY

### MEDIUM DENSITY/INTENSITY (MDI)

#### INTENT & DESIRED CHARACTER

A Medium Density/Intensity area (MDI) will generally be characterized by a more balanced, and wider-ranging mix of land uses—incorporating walk-up apartment buildings, townhomes, small lot (3,500-5,000 SF) attached and detached single-family housing, in close proximity to neighborhood-scale shopping, personal services, restaurants, small medical facilities, and facilities such as libraries and recreational centers. MDI areas may also occur along arterials and other major corridors, and may serve as the next layer away from the High Density/Intensity areas they may neighbor, as a transition to lower density neighborhoods. MDI's will offer complete neighborhoods with a diversity of shops and services, including schools and civic facilities, within walking or biking distance from residential areas; and offer good walking connections along with larger-scale multi-modal trails.

Commercial uses may be developed as stand-alone sites or be grouped in small 10 to 20-acre centers or campuses. Johnstown's Downtown would be ideal for this level of development. Reuse and redevelopment of existing structures may occur, with historic residences and structures changing to offices, boutiques, or personal services with alley-served parking. Commercial centers in an MDI will feature more walkability, perhaps offering covered arcades or awnings, pedestrian-scaled signage, shade trees and nice landscaping that helps slow traffic and break-up parking areas, and enjoyable outdoor spaces to gather. Rooftop and sidewalk patios, along with courtyard plazas offer patrons enjoyable places to meet and eat, gather and chat with friends.

Residential neighborhoods will provide a range of housing options and provide street and trail connections to adjacent neighborhoods. Housing will be encouraged to provide porches that extend closer to the sidewalks, and garages that are alley-loaded or setback to offer a safer, slower, and more interesting streetscape. Future considerations may include accessory dwelling or carriage house units to increase affordability and diversity. These are great neighborhoods to encourage and accommodate a diversity of lifestyles and income ranges, and allow active-agers to remain in Johnstown once larger family homes and yards may be less desirable.

**MDI**  
MEDIUM DENSITY/INTENSITY  
WELD COUNTY





Article 4: Section 17-4-2 Permitted Uses

ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                                            | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT |
|------------------------------------------------------------|----|----|-----|-----|-----|-------|-------|
| Residential Uses                                           |    |    |     |     |     |       |       |
| One-unit Dwellings                                         | P  | P  | P   | P   | P   | P     | P     |
| Attached One-Unit / Multi-unit Dwellings                   |    |    |     |     |     | P     | P     |
| Dwellings – Mixed-use                                      |    |    |     |     |     | S     | P     |
| PD: Mgt / Small Format Home Community (all building types) |    |    |     |     |     | S     | S     |
| Established Residential                                    |    |    |     |     |     | P     | P     |
| Group Home – Small                                         | P  | P  | P   | P   | P   | P     | S     |
| Residential Care – Limited                                 | S  | S  | S   | S   | S   | P     | S     |
| Residential Care – General                                 |    |    |     |     |     | S     | S     |
| Residential Care – Institutional                           |    |    |     |     |     |       |       |
| Public / Institutional Uses                                |    |    |     |     |     |       |       |
| Limited (< 400 capacity / < 2 ac.)                         | P  | P  | P   | P   | P   | P     | P     |
| General (400–800 capacity / 2 – 5 ac.)                     |    |    |     |     |     | P     | P     |
| Large (800+ capacity / 5+ acre)                            |    |    |     |     |     |       |       |
| Government and Town                                        | P  | P  | P   | P   | P   | P     | P     |
| Library, public                                            |    |    |     |     |     | P     | P     |
| Museum, cultural                                           |    |    |     |     |     | P     | P     |
| School                                                     |    |    | P   | P   | P   | P     | P     |
| Athletic Field                                             |    |    | S   | S   | S   | S     | S     |
| Recreation Center or Grounds                               |    |    | S   | S   | S   | S     | S     |
| Park, Trail, Civic Space (See 17-3-2)                      | P  | P  | P   | P   | P   | P     | P     |
| Utility Major                                              |    |    |     |     |     |       |       |
| Utility – Minor (principal use)                            |    |    | S   | S   | S   | S     | S     |
| Agriculture Uses                                           |    |    |     |     |     |       |       |
| Roadside Stands                                            | P  | S  | S   | S   | S   | S     | S     |
| Farmers Market                                             | P  | S  |     |     |     | S     | P     |
| Community Farm                                             | P  | S  | S   |     |     |       |       |
| Farming – Limited                                          | P  | S  | S   |     |     |       |       |
| Farming – General                                          | P  |    |     |     |     |       |       |
| Farming – Industrial                                       | S  |    |     |     |     |       |       |
| Agriculture Industrial Services                            |    |    |     |     |     |       |       |
| Commercial Uses                                            |    |    |     |     |     |       |       |
| Limited – <3K – no boarding                                |    |    |     |     |     | P     | P     |
| Small – 3K – 8K or limited boarding                        | S  |    |     |     |     |       |       |
| General – 8K – 30K or boarding                             | P  |    |     |     |     |       |       |
| Large – Outdoor or > 30K                                   | P  |    |     |     |     |       |       |
| Dependent Care – Limited (< 3K)                            | S  | S  | S   | S   | S   | P     | P     |
| Dependent Care – General (3K – 8K)                         |    |    |     |     |     | S     | P     |
| Dependent Care – Large (> 8K)                              |    |    |     |     |     |       | S     |
| Indoor / Limited (< 8K)                                    |    |    |     |     |     |       | S     |
| Indoor / General (8-30K+)                                  |    |    |     |     |     |       | S     |
| Indoor / Large (30K+)                                      |    |    |     |     |     |       | S     |

Effective:  
December 5, 2023

Chapter 17  
Johntown Land Use & Development Code

ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                       | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT |
|---------------------------------------|----|----|-----|-----|-----|-------|-------|
| Food & Beverage Service               |    |    |     |     |     |       |       |
| Outdoor                               |    |    |     |     |     |       |       |
| Restaurant – Limited (< 3K)           |    |    |     |     |     | P     | P     |
| Restaurant – Small (3K – 8K)          |    |    |     |     |     | S     | P     |
| Restaurant – General (> 8K)           |    |    |     |     |     |       | S     |
| Bed & Breakfast (up to 5 rooms)       | S  | S  |     |     |     | S     | P     |
| Lodging                               |    |    |     |     |     |       |       |
| Inn (6 to 40 rooms)                   |    |    |     |     |     | P     | P     |
| Hotel / Motel (40+ Rooms)             |    |    |     |     |     |       | S     |
| Limited – < 8K s.f.                   |    |    |     |     |     | S     | P     |
| Medical Service                       |    |    |     |     |     |       |       |
| General – 8K – 30K s.f.               |    |    |     |     |     |       |       |
| Large – Hospital Complex – 30K+ s.f.  |    |    |     |     |     | S     | P     |
| Limited (< 8K or < 33% of MU project) |    |    |     |     |     | S     | P     |
| General (8K – 30K)                    |    |    |     |     |     |       | P     |
| Large (30K+)                          |    |    |     |     |     |       |       |
| Personal Service                      |    |    |     |     |     | S     | P     |
| Limited (< 3K or < 33% of MU project) |    |    |     |     |     | S     | P     |
| Small (3K–8K)                         |    |    |     |     |     |       | P     |
| General (8K–30K)                      |    |    |     |     |     |       | S     |
| Retail                                |    |    |     |     |     |       |       |
| Small (< 30K)                         |    |    |     |     |     |       |       |
| Large (> 30K)                         |    |    |     |     |     |       |       |
| Retail – Outdoor & Equipment Sales    |    |    |     |     |     |       |       |
| General (8K – 30K)                    |    |    |     |     |     | S     | P     |
| Large (30K+)                          |    |    |     |     |     |       | P     |
| Retail – Grocery Store                |    |    |     |     |     |       |       |
| Small (< 30K)                         |    |    |     |     |     |       |       |
| Large (30K+)                          |    |    |     |     |     | S     | S     |
| Gas Station – Limited (1-8 pumps)     |    |    |     |     |     |       |       |
| Gas Station – General (9-16 pumps)    |    |    |     |     |     |       |       |
| Gas Station – Large (17+ pumps)       |    |    |     |     |     |       |       |
| Vehicle & Equipment Uses              |    |    |     |     |     |       |       |
| Automobile Repair – Limited           |    |    |     |     |     | S     | S     |
| Automobile Repair – Body Shop         |    |    |     |     |     |       |       |
| Automobile, RV, Equip. Sales / Rental |    |    |     |     |     |       |       |
| Car Wash and Automobile Detailing     |    |    |     |     |     | S     |       |
| Manufacturing / Industrial Uses       |    |    |     |     |     |       |       |
| Contractors Office & Fleet Services   |    |    |     |     |     |       |       |
| Industrial Service, Light             |    |    |     |     |     |       |       |
| Industrial Service, Heavy             |    |    |     |     |     |       |       |
| Vehicle / Fleet Maintenance Facility  |    |    |     |     |     |       |       |
| Limited / Artisan                     |    |    |     |     |     | P     | P     |
| Brewery, Distillery, or Winery        |    |    |     |     |     |       | S     |
| Manufacturing – Light                 |    |    |     |     |     |       |       |
| Manufacturing – Heavy                 |    |    |     |     |     |       |       |
| Wholesale & Distribution              |    |    |     |     |     |       |       |
| Warehouse / Storage                   |    |    |     |     |     |       |       |
| Indoor Storage                        |    |    |     |     |     |       |       |
| Outdoor Storage                       |    |    |     |     |     |       |       |

Effective:  
December 5, 2023

Chapter 17  
Johntown Land Use & Development Code

ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                    | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT | MU-RC | I-1 | I-2 | Specific Conditions |
|------------------------------------|----|----|-----|-----|-----|-------|-------|-------|-----|-----|---------------------|
| Waste / Salvage                    |    |    |     |     |     |       |       |       |     |     |                     |
| Fuel Storage (principal use)       |    |    |     |     |     |       |       |       | S   | S   |                     |
| Automobile Wrecking / Salvage Yard |    |    |     |     |     |       |       |       |     |     | S                   |
| Hazardous Waste Handling           |    |    |     |     |     |       |       |       |     |     | S                   |
| Recycling Operation, Enclosed      |    |    |     |     |     |       |       |       | S   | S   |                     |
| Recycling Operation, Unenclosed    |    |    |     |     |     |       |       |       | S   | S   |                     |
| Waste Transfer Station             |    |    |     |     |     |       |       |       |     | S   |                     |

17-4-3 Specific Use Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use, or a Use by Special Review according to Table 4-3. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-3.

A. **Live-Work Dwelling.** In districts where Live / Work Dwellings are permitted, they shall meet the following standards and conditions to be compatible with the context:

- Commercial uses shall be limited to those uses that are otherwise permitted in the district or uses allowable through the Use by Special Review process in Section 17-2-7.
- Any commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other public space or publicly accessible common area.
- Commercial activity, and any accessory assembly, production of fabrication shall be scaled and operated in a way that is compatible with other residential uses in the area.
- The commercial occupancy shall not be considered accessory to the residential dwelling, and therefore not subject to the accessory home occupation standards. However, the resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. Any greater percentage shall be treated as a mixed use or multi-unit building.

B. **Mixed-use Dwelling.** In districts where mixed-use dwellings are allowed uses, the following standards shall apply:

- In the mixed-use districts, at least 50 percent of the ground floor of a mixed-use building shall be in a non-residential land use. In the R-3 Zoning District, no more than 50 percent of the total gross floor area of a structure containing a mixed-use, including basement area, shall be devoted to non-residential uses.
- In the R-3 zone, the use shall be located on a collector street or higher, or otherwise located as a transition between residential and non-residential uses.
- In the R-3 zone, only commercial uses permitted in the MU-NC district are allowed, and they may be further conditioned, limited, or prohibited through the Use by Special Review process in Section 17-2-7.
- Mixed-use dwellings in commercial and mixed-use zones may include any commercial use permitted within that zoning district.
- The design and character of all buildings and sites shall be compatible with the predominant character of the surrounding neighborhood. The operating characteristics

Effective:  
December 5, 2023

Chapter 17  
Johntown Land Use & Development Code

Article 6: Section 17-6-2 Development Standards

ARTICLE 6 – NON-RESIDENTIAL DEVELOPMENT & DESIGN

17-6-2 NON-RESIDENTIAL DEVELOPMENT STANDARDS

Table 6-1: Non-Residential Lot & Building Standards

| Zoning District | Minimum Lot Standards |                     | Minimum Setbacks [5] |                   |             |          | Building Height (max) |
|-----------------|-----------------------|---------------------|----------------------|-------------------|-------------|----------|-----------------------|
|                 | Area                  | Lot Coverage (max.) | Front [1]            | Interior Side [2] | Corner Side | Rear [3] |                       |
| MU-NC           | 2K – 40K s.f.         | 80%                 | 10' – 25'            | 5'                | 20'         | 10'      | 40' / 3 stories       |
| MU-DT           | 2K – 30K s.f.         | 100%                | 0' – 10'             | 5'                | 10' [4]     | 10'      | 40' / 3 stories       |
| MU-RC           | 2.5K s.f.             | 20%                 | 25'                  | 5'                | 10' [4]     | 10'      | 60' / 5 stories       |
| I-1 & I-2       | 10K s.f. min.         | 10%                 | 25'                  | 10'               | 25'         | 10'      | 40' / 3 stories       |

17-6-2 Non-residential Development Standards

A. **Non-residential Lot and Building Standards.** The lot and building standards for non-residential uses in the following districts are specified in Table 6-1.

[1] Front setback requirements may be modified for a particular street or block, based on the frontage types and design standards in Section 17-6-3.

[2] The interior side setback for buildings which share a party wall is 0'. For any side lot line that abuts a residential use or a district that has a greater side setback requirement, the greater side setback of the abutting district shall apply.

[3] For any lot where a rear lot line abuts a residential district, a setback of at least 25' shall apply.

[4] The side setback for corner buildings may be 0' in the MU-NC, MU-DT, or MU-RC districts, provided they meet the Frontage A standards on the lot and building for at least the first 30' from the front corner. [Section 17-6-3].

[5] Buildings and structures shall be setback from plugged and abandoned wells at least 50 feet; and from oil and gas facilities at least 250 feet.

B. **Dimension Standards & Exceptions.** The following applies to the lot and building standards established in Table 6-1: Non-residential Lot & Building Standards.

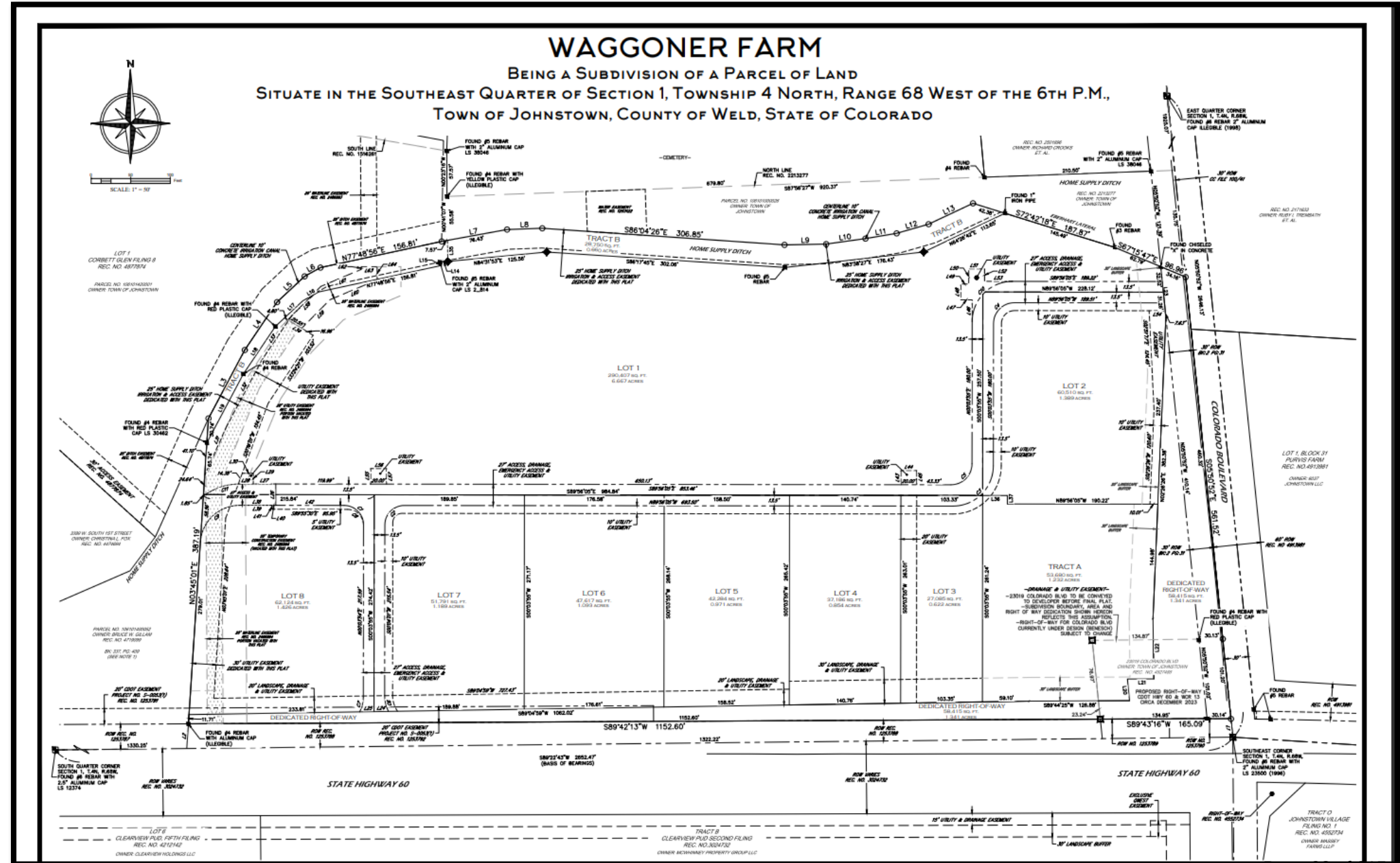
- Setbacks.
  - In no case shall any setback exception or modification violate the provisions of a recorded easement.
  - Any structural projections over public rights of way, or any similar area designed for pedestrian circulation, shall be at least 9' [No Title] the grade, and in no case within 5 feet of any curb for a street, access drive, or other area for vehicles.
  - Structural projections such as bay windows, balconies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the total area of any single facade.
  - Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that they extend no more than 6 feet from the principal building and no closer than 3 feet to the lot line, and are screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.
  - A lot may have more than one principal building, provided any accessory, secondary, or additional principal building be located at least 10 feet from any

Effective:  
December 5, 2023

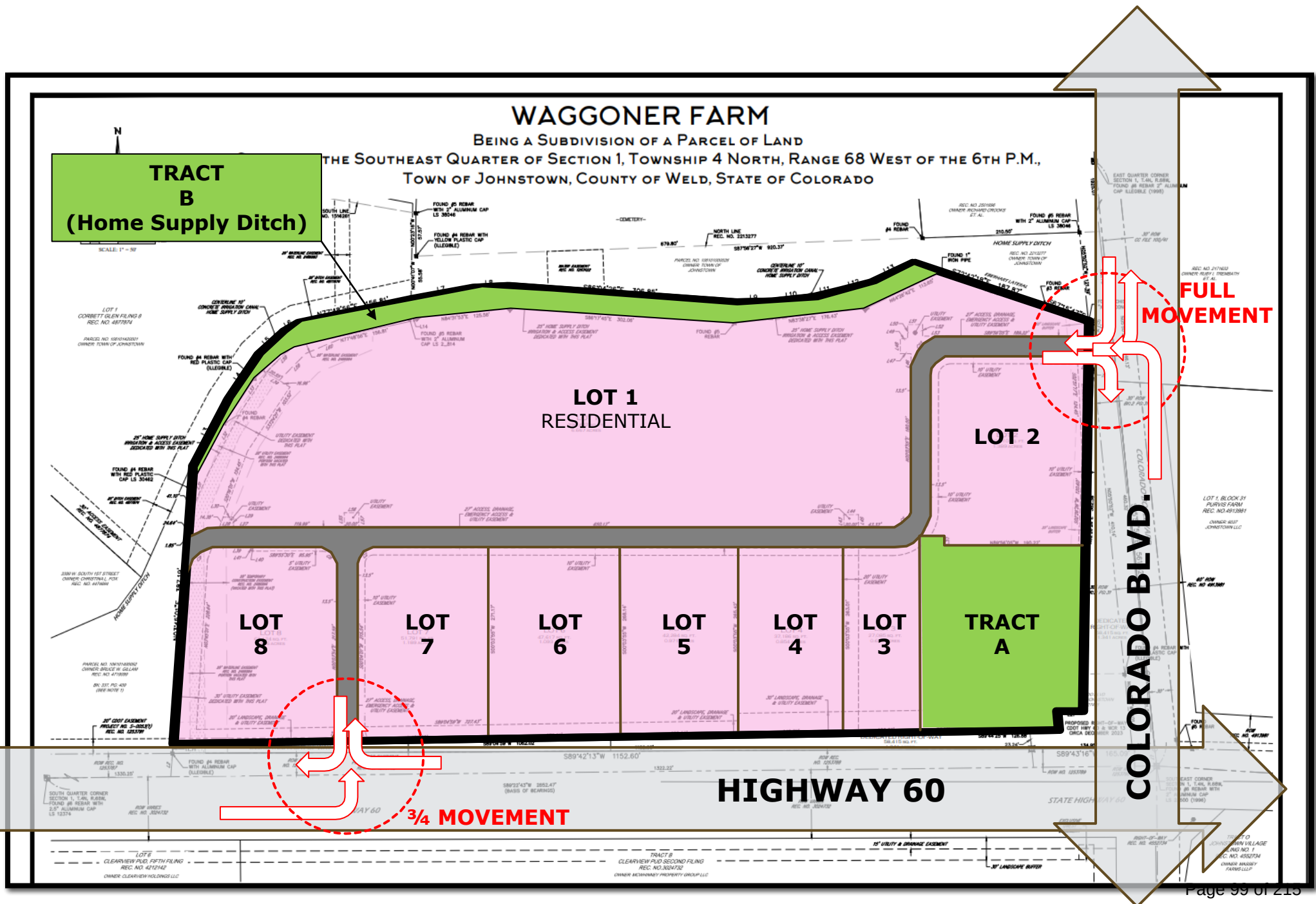
Chapter 17  
Johntown Land Use & Development Code

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# Preliminary Plat



# Preliminary Plat











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## Town Council Agenda Communication

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**Agenda Date:** 3/17/2025

**Subject:** Resolution 2025-06: Preliminary Plat for Waggoner Farms

**Attachments:**

1. Council TAC - February 19, 2025
2. Planning & Zoning Commission Staff Report
3. Resolution 2025-06
4. Vicinity Map
5. Zoning Map
6. Preliminary Plat
7. Concept Plan
8. Staff Presentation

**Presented by:** Jeremy Gleim

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### Agenda Item Description:

#### EXECUTIVE DESCRIPTION

The applicant, MIC TDC Hwy 60 Johnstown, LLC, has submitted an application for a Change of Zone and Preliminary Plat for the property known as Waggoner Farm. A full analysis of the request, with conclusions and recommendations, is included in the Town Council staff report dated February 19, 2025, and the Planning & Zoning Commission staff report dated September 25, 2024 (Attachments 1 and 2 respectively).

#### TOWN COUNCIL MEETING – FEBRUARY 19, 2025

Staff presented this project to the Town Council at their regular meeting on February 19, 2025. After due consideration of the staff report, presentation, public testimony, and discussion among council members, a motion was made to approve Ordinance 2025-265 to change the zoning of the subject property from PUD-B to MU-NC. The motion failed to obtain a second, and was therefore not eligible for a vote. No alternative motions were made, so no action was taken on the project. Since no action was taken on the Change of Zone request that was associated with this project, no actions were taken on Resolution 2025-06 for the Preliminary Plat.

The primary point of concern was the inclusion of residential land uses on the project site.

#### Strategic Plan Alignment:

Natural & Built Environment

- Expect and encourage community centered design

- Support a broad range of housing options

**Legal Advice:**

The Town Attorney provided Resolution 2025-06.

**Financial Advice:**

N/A

**Recommended Action:**

The Planning & Zoning Commission recommends that the Town Council approve Resolution 2025-06 for a Preliminary Subdivision Plat for Subdivision Case No. SUB23-0021.

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**Suggested Motions:**

**For Approval:** I move to approve Resolution No. 2025-06, approving the Preliminary Plat for Subdivision Case No. SUB23-0021.

**For Denial:** I move to deny Resolution No. 2025-06.

**Reviewed and Approved for Presentation**



Matt LeCerf, Town Manager



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## TOWN COUNCIL AGENDA COMMUNICATIONS

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**AGENDA DATE:** February 19, 2025

**SUBJECT:** Public Hearing – Subdivision Case No. SUB23-0021 which includes a Preliminary Plat and Change of Zone for Waggoner Farm

**ACTION PROPOSED:**

1. Consideration Of Ordinance 2024-262 Approving MU-NC Zoning For Waggoner Farms; and,
2. Consideration Of Resolution 2024-48 Approving A Preliminary Plat For The Waggoner Farms Subdivision

**ATTACHMENTS:**

1. Planning & Zoning Commission Staff Report
2. Ordinance 2024-262 (Change of Zone)
3. Resolution 2024-48 (Preliminary Plat)
4. Vicinity Map
5. Zoning Map
6. Preliminary Plat
7. Concept Plan
8. Staff Presentation

**PRESENTED BY:** Jeremy Gleim, AICP, Planning and Development Director

---

### EXECUTIVE DESCRIPTION

The applicant, MIC TDC Hwy 60 Johnstown, LLC, has submitted an application for a Change of Zone and Preliminary Plat for the property known as Waggoner Farm. A full analysis of the request, with conclusions and recommendations, is included in the Planning & Zoning Commission staff report dated September 25, 2024 (Attachment #1).

### TOWN COUNCIL MEETING – NOVEMBER 4, 2024

This project was originally scheduled for public hearing on November 4, 2024. In preparation for that meeting, a public hearing notice was published in the Johnstown Breeze (October 24, 2024) and public hearing notices were mailed to all property owners within 800 feet of the project. At the applicant's request, the item was removed from that agenda and tabled for further consideration. Since the project was not continued to a specific hearing date, additional notices were published and distributed.

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## **PLANNING & ZONING COMMISSION SUMMARY**

On September 25, 2024, the Planning & Zoning Commission (Commission) convened a regular meeting and held a public hearing for this project. Staff presented the project to the Commission, which was followed by comments from the Applicant. The Commission Chair opened the public hearing and invited comments from the public. No members of the public spoke for or against the project.

After due consideration of the staff report, presentations, and discussion, a motion was made to recommend that the Town Council approve Subdivision Case No. SUB23-0021 for MU-NC zoning and a preliminary plat. The motion was approved unanimously on a 7/0 vote.

## **PUBLIC NOTICE**

Notice for the Town Council public hearing was published in the Johnstown Breeze, on Thursday, February 6, 2025. Notices were mailed to all property owners within 800 feet of the subject property. This notice included a vicinity map and the proposed subdivision map.

## **STRATEGIC PLAN ALIGNMENT**

- Natural & Built Environments
  - *Expect and encourage community-centered design.*

## **LEGAL ADVICE:**

The Town Attorney prepared Ordinance 2024-262 and Resolution 2024-48 for this request.

## **FINANCIAL ADVICE:**

NA

## **CONDITIONS OF APPROVAL:**

The following Conditions of Approval are project specific, for the most part, and shall be implemented in the preparation of final platting and future development. The conditions that are not project specific are simply included as informational items due to time limitations and/or code requirements.

1. The applicant shall dedicate a quantity of water, as deemed necessary by the Town and/or Town's consultants, to satisfy irrigation demands for parkway and common area landscaping. These demands shall be memorialized in a Water and Sewer Service Agreement, which shall be approved by the Town Council in conjunction with the Final Plat.
2. Pursuant to Section 17-2-2(4)(b), an approved preliminary plat shall be effective for two (2) years. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.
3. Lot 1 of the Preliminary Plat shall be reserved for residential development under its proposed design and layout. If commercial development is desired for Lot 1 in the future, the applicant/property owner shall re-plat said lot to conform with the lot size requirements for non-residential lots in the MU-NC zone (17-6-2(A)).
4. A 30-foot landscape buffer/setback shall be required along Colorado Boulevard, pursuant to the Town's adopted Transportation Plan and other technical studies for Colorado Boulevard.
5. No development shall occur on the property prior to approval of a Final Plat.

6. The concept plan which has been included in the submittal packet does not approve any specific land uses, site development plans, or anything else. The concept plan is for illustrative purposes only.
7. The existing 16-inch water transmission line that bisects the property shall be rerouted pursuant to the details shown on the preliminary plat or placed within a 30-foot easement if it is to remain in its current location.

**RECOMMENDED ACTION:** The Planning & Zoning Commission recommends that the Town Council **APPROVE:** 1) Ordinance 2024-262, to establish MU-NC zoning; and, 2) Resolution 2024-48 for a Preliminary Subdivision Plat for Subdivision Case No. SUB23-0021 (Waggoner Farm). The ordinance and resolution must be voted on separately.

---

**SUGGESTED MOTIONS:**

**ORDINANCE 2024-262**

**For Approval:** I Move To Approve Ordinance No. 2024-262, Approving MU-NC Zoning For Subdivision Case No. SUB23-0021.

**For Denial:** I Move To Deny Ordinance No. 2024-262

**RESOLUTION 2024-48**

**For Approval:** I Move To Approve Resolution No. 2024-48, Approving The Preliminary Plat For Subdivision Case No. SUB23-0021.

**For Denial:** I Move To Deny Resolution No. 2024-48

*Reviewed and Approved for Presentation,*



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Town Manager



# Town of Johnstown

## PLANNING & ZONING COMMISSION AGENDA MEMORANDUM

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**HEARING DATE:** September 25, 2024

**SUBJECT:** Public Hearing – Subdivision Case No. SUB23-0021 which includes a Preliminary Plat and Change of Zone for Waggoner Farm

**ACTION PROPOSED:** Make a recommendation to the Town Council regarding Subdivision Case No. SUB23-0021

**LOCATION:** Northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). Parcel No. R4651286, 1061-01-0-00-009

**APPLICANT:** MIC TDC Hwy 60 Johnstown, LLC

**ATTACHMENTS:**

1. Vicinity Map
2. Preliminary Plat
3. Zoning Map
4. Preliminary Landscape Plan
5. Concept Plan
6. Staff Presentation

**PRESENTED BY:** Jeremy Gleim, AICP, Planning & Development Director

---

### BACKGROUND & SUMMARY

The applicant, MIC TDC Hwy 60 Johnstown, LLC, submitted a Land Use application for a Change of Zone, Preliminary Plat, and Preliminary Development Plan in December of 2023. These applications were submitted for the property commonly referred to as Waggoner Farm, which is located at the northwest corner of Highway 60 and Weld County Road 13 (Colorado Boulevard). The legal description reads as follows: All that part of the Southeast  $\frac{1}{4}$  of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral. The property measures approximately 17.44 acres.

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It should be noted that the application for Preliminary Development Plan, which was submitted with the application packet, is not relevant to this request and is not being considered with the application. Preliminary Development Plans (PDPs) are associated with Planned Development applications (PUD/PD). The applicant is requesting a Change of Zone from PUD-B to MU-NC (Mixed-Use Neighborhood Commercial). If approved, the subject property will be bound by the requirements set forth in the Town of Johnstown Land Use and Development Code (LUDC); therefore, a Preliminary Development Plan is not necessary or applicable to the current request.

Pursuant to Section 17-2-5(C)(2) of the LUDC, the applicant may present a preliminary sketch or Concept Plan for review by staff or the Planning and Zoning Commission and Town Council. This may be used to confirm interpretations, test basic concepts and standards, or review options for a proposed project. Review of the concept plan does not result in any inherent approvals but it provides an opportunity to receive feedback from staff, the Planning Commission, and elected officials. A concept plan has been developed and is included in the hearing packet as Attachment No. 5.

## **CHANGE OF ZONE**

The subject property was annexed into the Town of Johnstown via Ordinance No. 2003-702, which was originally recorded by Weld County on December 15, 2003 (Reception No. 3135239), and re-recorded with corrections on October 18, 2006 (Reception No. 3428360). In conjunction with the adopted ordinance for annexation, Ordinance No. 2003-703 was also adopted for the purpose of establishing zoning for the subject property. The subject property was zoned PUD-B (Business) pursuant to the aforementioned ordinance, which was recorded by Weld County on December 15, 2003 (Reception No. 3135240).

## **SURROUNDING ZONING & LAND USE**

|       |                                          |                                                                                                                         |
|-------|------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|
| North | R-1 (Residential)                        | <ul style="list-style-type: none"> <li>• Corbett Glen Neighborhood</li> <li>• Johnstown Elwell Cemetery</li> </ul>      |
| East  | PUD-R (Residential)                      | <ul style="list-style-type: none"> <li>• Graded Subdivision (Purvis)</li> <li>• Existing Single-Family Homes</li> </ul> |
| South | PUD-R                                    | <ul style="list-style-type: none"> <li>• Vacant Land</li> <li>• Clearview Neighborhood</li> </ul>                       |
| West  | PUD-R (Residential)<br>R-1 (Residential) | <ul style="list-style-type: none"> <li>• Corbett Glen</li> <li>• Existing Single-Family Home</li> </ul>                 |

Pursuant to the Future Land Use map in the Town of Johnstown Comprehensive Plan (Comp Plan), this land is located in a Medium Density/Intensity land use area. As described in the Comp Plan, MDI areas will generally be characterized by a more balanced, and wider-ranging mix of land uses

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– incorporating walk-up apartment buildings, townhomes, small lot attached and detached single-family housing, in close proximity to neighborhood-scale shopping, personal services, restaurants, small medical facilities, and facilities such as libraries and recreational centers. Commercial uses may be developed as stand-alone sites or be grouped in small 10 to 20-acre centers or campuses. MDI areas should have attractive streetscape along major corridors and walkable, pedestrian scale commercial areas that connect to adjacent neighborhoods. The density range for MDI areas is 5 – 16 dwelling units per acre.

## **LAND USE HISTORY**

Historically, this land has been used for agriculture and there are a number of structures in the northeast corner of the property.

## **REQUEST**

The applicant is requesting to change the current zoning on the property to a new zoning designation of MU-NC (Mixed-Use Neighborhood Commercial). In 2023, the Town adopted an updated Land Use & Development Code (LUDC), which included significant updates to neighborhood, residential, and non-residential design standards. Changing the zone to MU-NC will provide the opportunity to use the updated LUDC as the regulatory development code.

## **MU-NC Zoning Designation**

Pursuant to Section 17-4-1 of the LUDC, the MU-NC District provides for small-scale and low-intensity uses that complement, support, and are integrated into surrounding neighborhoods and other higher-intensity commercial areas. It may exist in compact, walkable formats in close proximity to neighborhoods, or alternatively, if automobile oriented, the impacts of access and operations on adjacent areas are limited and mitigated by the small-scale format and lower intensity of the uses. The general application of this zoning designation is within Activity Centers or commercial areas in the Moderate Intensity Area.

The MU-NC zone allows for a wide range of uses, including residential, retail, office, lodging, food & beverage, and civic uses, amongst many others. The full list of permitted and conditionally permitted uses is provided in Table 4-2 of the LUDC. Given the underlying land use designation of Medium Density/Intensity, the MU-NC zoning designation is appropriate for this location.

## **PRELIMINARY PLAT**

A preliminary plat was submitted as part of the application packet. Pursuant to Section 17-2-2(D) of the LUDC, any subdivision not eligible as a minor plat is a major subdivision that shall require approval of a preliminary plat and a final plat. In accordance with Section 17-2-2(D)(4), the Town Council's ultimate approval of the preliminary plat does not constitute an acceptance of the subdivision but authorizes preparation of the final plat. An approved preliminary plat shall be effective for two years. If a final plat is not submitted in that timeframe, the preliminary plat shall expire.

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The preliminary plat proposes to subdivide the property into eight (8) lots, two (2) tracts, and right-of-way. Lot 1 is the largest of the proposed lots at 290,407 square feet (6.6 acres). This lot comprises most of the north half of the property and is planned for residential multi-family development. This could be a viable location for an affordable housing project. Lots 2 – 8 are slated for commercial development and range in size from 27,085 square feet to 62,124 square feet (0.6 acres to 1.4 acres). The two tracts are being created for open space, drainage, utility, access, and irrigation easements. Right-of-way for the project measures 58,415 square feet (1.3 acres).

The lots slated for commercial development (Lots 2 – 8) are oriented on the south and east portions of the lot, which are positioned along Highway 60 and Colorado Boulevard, respectively. There are two access point which will serve the project site, one on Highway 60 and one on Colorado Boulevard; neither access point will be signalized.

### **Access and Circulation**

The access point along Highway 60 will be a 3/4 movement, meaning that vehicular traffic will be able to make right turns into the project, right turns out of the project back onto the highway, and left turns into the project while traveling east on the highway. This access point is located approximately 1,100 feet west of the Highway 60/Colorado Boulevard intersection.

The access point along Colorado Boulevard is not restricted to a 3/4 movement, meaning drivers will be able to turn left and right, into and out of the project site. This may be revised in the future if traffic patterns and/or volumes constitute the need to restrict movements for safety purposes. This access point is located approximately 575 feet north of the Highway 60/Colorado Boulevard intersection.

Internal circulation is proposed as a private driveway that traverses the site, generally speaking, on an east-west alignment. This private drive connects to both access points described above. The internal circulation is housed in an access easement that will be maintained by the HOA in perpetuity. The private drives provide access to each of the proposed lots.

### **Lot Design and Layout**

The preliminary plat proposes the creation of eight (8) developable lots. The table below provides information regarding the size and intention of each lot:

|       | <b>Size (Square Feet)</b> | <b>Size (Acres)</b> | <b>Intended Use</b>      |
|-------|---------------------------|---------------------|--------------------------|
| Lot 1 | 290,407                   | 6.7                 | Multi-Family Residential |
| Lot 2 | 60,510                    | 1.4                 | Commercial               |
| Lot 3 | 27,085                    | 0.6                 | Commercial               |
| Lot 4 | 37,186                    | 0.9                 | Commercial               |
| Lot 5 | 42,284                    | 1.0                 | Commercial               |

|                   |                |             |            |
|-------------------|----------------|-------------|------------|
| Lot 6             | 47,617         | 1.1         | Commercial |
| Lot 7             | 51,791         | 1.2         | Commercial |
| Lot 8             | 62,124         | 1.4         | Commercial |
| <b>LOT TOTALS</b> | <b>619,004</b> | <b>14.2</b> |            |

Table 6-1 of the LUDC prescribes non-residential lot and building standards for the MU-NC zone (image below). As shown, lot sizes are prescribed between 2,000 and 40,000 square feet with 80% maximum lot coverage. These standards assume a development pattern wherein lots are arranged around a shared or common parking area. These standards do not lend so well to projects that are developed on a lot-by-lot basis wherein parking is included within the bounds of individual lots.

| <b>Table 6-1: Non-residential Lot &amp; Building Standards</b> |                              |                            |                             |                          |                    |                 |                              |
|----------------------------------------------------------------|------------------------------|----------------------------|-----------------------------|--------------------------|--------------------|-----------------|------------------------------|
| <i>Zoning District</i>                                         | <i>Minimum Lot Standards</i> |                            | <i>Minimum Setbacks [5]</i> |                          |                    |                 | <i>Building Height (max)</i> |
|                                                                | <i>Area</i>                  | <i>Lot Coverage (max.)</i> | <i>Front [1]</i>            | <i>Interior Side [2]</i> | <i>Corner Side</i> | <i>Rear [3]</i> |                              |
| <b>MU-NC</b>                                                   | 2K – 40K s.f.                | 80%                        | 10' – 25'                   | 5'                       | 20'                | 10'             | 40' / 3 stories              |

Although some of the proposed commercial lots exceed the 40,000 square foot maximum size, it should be noted that when landscape buffers, utility and access easements, and setbacks are considered, none of the lots exceed the 40,000 square foot threshold. This is an important distinction, because the threshold exists to promote pedestrian-scale development that serves neighborhood functions. This is not intended to be a destination/regional commercial center; rather, it is intended to provide everyday services that will support nearby residents and community members.

Pursuant to Table 5-1 in the LUDC, residential lots for large lot/large complex apartments require a minimum lot size of 30,000 square feet, with no upper limit. Therefore, Lot 1 complies with this standard, provided it remains as a lot for large complex apartment development. If this lot becomes the subject for commercial development, rather than residential development, it shall be re-platted to conform with the standards listed above.

### **Landscaping Buffers**

Landscape buffers are proposed along the public streets. In partnership with the Colorado Department of Transportation (CDOT), in February of 2023 the Colorado Highway 60 System Feasibility Study (Study) was published to investigate Highway 60 between Interstate 25 and Weld County Road 19. Although this section of roadway is in the Town of Johnstown, CDOT has jurisdiction over its development. Street sections for Highway 60 were included in the Study and are being used to evaluate new proposals.

The updated street section for the westbound half-width of Highway 60, between High Plains Blvd. and Telep Ave. depicts two through lanes, a five (5) foot wide bike lane, and a 12-foot right turn/acceleration lane. A 10-foot landscape area is positioned between the pavement and a 10-foot-wide sidewalk. Since the Study was focused on roadway functionality, and not aesthetics, a review of the Town's adopted Transportation Master Plan (TMP) is required to understand any landscape buffers associated with this segment of roadway. Pursuant to the exhibit on page 33 of said TMP, labeled *Four-Lane Divided: I-25 to Telep Ave*, the landscape buffer is not specified numerically and simply indicates that it will vary. The typical major arterial street section in the TMP specifies a 30-foot landscape buffer beyond the right-of-way.

Regarding the typical street section for this segment of roadway, as shown in the Study, it was determined that it would be safer to remove the on-street bike lane in favor of an off-street facility that could accommodate all forms of pedestrian movement. Therefore, with the removal of the five (5) foot wide on-street bike lane, an additional four feet is being added to the required 10-foot-wide sidewalk, resulting in a 14-foot-wide concrete path for pedestrian travel.

The applicant is proposing landscape buffers along Highway 60 that vary from 20 – 30 feet in width. At the western extent of the project along Highway 60, where the 20-foot buffer is proposed, there would still be approximately 45 feet of landscaping between the edge of street pavement and any lot development. This complies with the standards set forth in the Study, the TMP, and the LUDC.

Pursuant to the TMP, Colorado Blvd. is listed as a Regionally Significant Major Arterial; however, due to existing constraints north of the subject property, alternative street design standards were created specifically for the segment of roadway adjacent to the subject property. Pursuant to the revised standards, a 30-foot landscape buffer is required along this length of roadway. The preliminary plat depicts a varying buffer of 20 – 30 feet. In order to comply with adopted standards, a 30-foot landscape buffer shall be required across this entire frontage.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting regarding this project was held on August 13, 2024, at the Senior Center in downtown Johnstown. Notices advertising this meeting were mailed to all property owners within 800 feet of the project site. The meeting was well attended, with 30 – 40 attendees. The applicant provided an overview of the project and then opened for discussion. A number of questions were asked, and a couple issues of concern were raised; they are summarized as follows:

### ***Questions:***

- 1. Widening of Colorado Boulevard*
- 2. The type of housing product being considered*
- 3. Pedestrian crossing across Highway 60*
- 4. Internal access connecting to property immediately west of the project site*

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5. *HOA maintenance of common areas*
6. *Right-of-way dedications*
7. *Design guidelines*
8. *Re-routing of the ditch*
9. *Water use/dedication*
10. *Car washes and water waste*
11. *Timing of the project*
12. *Size of the buildings that would be developed*

**Concerns:**

1. *Vacancy/occupancy concerns given existing available commercial space*
2. *Visibility when exiting the project onto Colorado Boulevard*

The applicant responded to all questions and concerns and spoke with interested parties after the conclusion of the meeting. Staff has received one inquiry about the project since the neighborhood meeting. The inquiry came from the property owners to the immediate west of the subject property regarding shared access/circulation. Staff provided contact information to all parties so that they could schedule time to discuss options. It should be noted, staff is not opposed to a shared access point between the two properties, specifically to reduce access points along Highway 60; however, it is not required that the two property owners coordinate a shared access point.

**PUBLIC NOTICE & AGENCY REFERRALS**

Notice for the Planning & Zoning Commission hearing was published in the local paper of widest circulation, the Johnstown Breeze, on Thursday, September 12, 2024. This notice provided the date, time, and location of the Planning and Zoning Commission hearing, as well as a description of the project. Notices were mailed to all property owners within 800 feet of the property. This notice included a map of the proposed project.

**COMPREHENSIVE PLAN ALIGNMENT:**

- Goal L1 – Ensure neighborhood character and amenities contribute to the health and wellbeing of diverse residents.
- Goal W2 – Balance more intense commercial uses along major highway corridors while having neighborhood-scale commercial in the downtown and throughout the community to ensure convenient access to jobs, goods, and services for all residents.

**STRATEGIC PLAN ALIGNMENT:**

- Natural & Built Environment
  - *Guide growth in the community through appropriate annexation, zoning, planning, and land use development.*

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## FINDINGS OF FACT

Findings of fact for the Change of Zone and Preliminary Plat are listed separately below.

### Change of Zone

Pursuant to Section 17-2-3(B) of the LUDC, the review, recommendations, and decisions for a proposed rezone shall be based on the following criteria.

***1. The rezone furthers one or more of the purposes of these regulations in Section 17-1-3, and on balance any purposes that may be undermined are outweighed by the benefits of those purposes it furthers, because;*** the proposed rezone would eliminate the current PUD zoning on the property in favor of MU-NC zoning, which is fully regulated and governed by the adopted Land Use and Development Code. Additionally, this Change of Zone would better integrate with the Town's Comprehensive Plan and provide the regulatory framework to help execute the visions set forth therein.

***2. The proposal is consistent with the goals and objectives of the Comprehensive Plan and any other plan, policy or guidance adopted pursuant to that plan, because;*** any development on the property would be subject to, and regulated by, the adopted Land Use and Development Code (LUDC). The LUDC was drafted and adopted subsequent to the update of the Town's Comprehensive Plan (Comp Plan) as a tool to implement said Comp Plan.

***3. The change is consistent with the intent of the proposed zoning district, specifically considering:***

***a. the design of streets, civic spaces and other open space, because;*** the applicant shall be required to dedicate and construct right-of-way improvements that will benefit the public street network.

***b. the pattern, scale, and format of buildings and sites, because;*** the plat has been designed to accommodate neighborhood businesses and not destination retail/commercial users.

***c. the compatibility and transition with other complementary uses and development in the vicinity, because;*** MU-NC zoning is intended to serve neighborhood functions in a pedestrian-scale format. As proposed, this project is designed for neighborhood scale users which would provide services to the immediate and surrounding neighborhoods. MU-NC uses are intentionally limited to integrate with neighborhood development.

***4. The change is necessary for at least one of the following reasons:***

***a. There has been a material change in the character of the area or in the Town generally, such that the proposed rezone is in the public interest, because;*** the Johnstown Area Comprehensive Plan and the Land Use and Development Code have been updated since this property was initially zoned, and the change to MU-NC zoning will help implement the goals and strategies set forth within said documents.

***b. The change will serve a community need or provide an amenity or benefit to the surrounding area that was not anticipated at the time of the initial zoning, because;*** the current Johnstown



Area Comprehensive Plan was not adopted at the time of initial zoning, nor was the current Land Use and Development Code. These two documents provide visioning and implementation regulations which are much more developed than the current zoning of the property.

**5. *The Town or other agencies have the ability to provide services or facilities that may be necessary for anticipated uses in the proposed district, because;*** the project was referred to responsible agencies and no comments were received stating that services could not be provided. The applicant and/or developer shall be required to dedicate the applicable water shares necessary to support development.

**6. *Any reasonably anticipated negative impacts on the area or adjacent property either are mitigated by sound planning, design, and engineering practices or are outweighed by broader public benefits to the surrounding community, because;*** the proposed rezone will help promote and implement the goals and strategies in the Johnstown Area Comprehensive Plan.

**7. *If owner-initiated, at least two-thirds of the subject property owners within the change of zone boundary have signed the application.*** This Change of Zone application meets the eligibility criteria for review.

**8. *If owner-initiated, the subject property has not been included in a rezone action in the prior 12 months, with the exception of property in the H-A zoning district which was established concurrent with annexation.*** This property has not been included in a rezone action in the prior 12 months.

**9. *The recommendations of any professional staff and advisory review bodies have been considered.*** This application has been reviewed by professional staff and advisory review bodies.

#### **Preliminary Plat**

Pursuant to Section 17-2-2(D)(2), A preliminary plat shall be reviewed according to the following criteria.

**a. *The application is in accordance with the Comprehensive Plan, and in particular, the physical development patterns and concepts of the plan, because;*** it has been reviewed pursuant to adopted plans and policies and has been found to meet the requirements of the Johnstown Area Comprehensive Plan and the adopted Land Use and Development Code.

**b. *The development and infrastructure are arranged in a manner to minimize impacts on geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land.*** There are no known geologic hazards, environmentally sensitive areas, wildlife habitat, or other natural features of the land that will be negatively affected by the preliminary plat.



*c. The arrangement and proposed design of streets, open spaces, and blocks meet the development and design standards of this code and are coordinated with existing or potential development on adjacent property, because;* the project has been reviewed for consistency with the Town's adopted plans and policies. Additionally, the applicant is proposing an internal drive stub to the property immediately west of the project site, which could aid in circulation for that property when it develops.

*d. The proposed blocks and lots are capable of meeting all development and site design standards of the applicable zoning district, because;* the preliminary plat application was submitted with a concurrent change of zone application, and the proposed preliminary plat was designed for adherence with the MU-NC zoning designation.

*e. The application demonstrates preliminary feasibility of being able to meet the design, construction, performance, and maintenance requirements for all required improvements, because;* the applicant has submitted public and private construction drawings which demonstrate the feasibility of being able to meet the improvement requirements.

*f. Phasing is clearly indicated and demonstrates a logical and coordinated approach to development, and the timing, location, and construction of amenities is consistent throughout phases.* No phasing is proposed with this preliminary plat application.

*g. Any impacts identified by specific studies or technical reports, including a review of stormwater, are mitigated with generally accepted and sound planning, engineering, and urban design solutions that reflect long-term solutions and sound fiscal investments, because;* the project has been review and commented on by professional staff engineers and planners, as well as the Town's consulting engineers.

*h. The design does not impede the construction of anticipated or planned future public infrastructure or other development within the area, because;* the applicant is coordinating with the Town on public infrastructure improvements as part of this application.

*i. The plat has addressed issues of professional staff, or any other public entity or review agencies asked to officially review the preliminary plat and received positive recommendations.* The applicant has responded to all comments in a manner that results in a positive recommendation for this preliminary plat.

**RECOMMENDED ACTION:** Pursuant to the content in the staff report, including the Findings of Fact presented above, staff is recommending **APPROVAL** of the request for Change of Zone and Preliminary Platting associated with Subdivision Case No. SUB23-0021. There are two actions associated with this project and each one must be voted on separately. The first is the consideration of the Change of Zone, and the second is the consideration of the Preliminary Plat.

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## **SUGGESTED MOTIONS:**

### **CHANGE OF ZONE**

**For Approval:** I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** of a change of zone for the subject property from PUD-B to Mixed-Use Neighborhood Commercial - MU-NC

**For Denial:** I move that the Planning and Zoning Commission recommend that the Town Council deny the change of zone pursuant to the following finding(s)...

### **PRELIMINARY PLAT**

**For Approval:** I move that the Planning and Zoning Commission recommend that the Town Council **APPROVE** the preliminary plat for Subdivision Case No. SUB23-0021

**For Denial:** I move that the Planning and Zoning Commission recommend that the Town Council deny the preliminary plat for Subdivision Case No. SUB23-0021 pursuant to the following finding(s)...

**TOWN OF JOHNSTOWN, COLORADO**  
**RESOLUTION NO. 2025-06**

**RESOLUTION APPROVING THE PRELIMINARY PLAT FOR  
WAGGONER FARM, SITUATED IN THE SOUTHEAST QUARTER OF  
SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO,  
CONSISTING OF APPROXIMATELY 17.444 ACRES**

**WHEREAS**, the Town of Johnstown, Colorado (“Town”) is a Colorado home rule municipality, duly organized and existing under the laws of the State of Colorado and the Town’s Home Rule Charter; and

**WHEREAS**, the Town Council is vested with authority to administer the affairs of the Town; and

**WHEREAS**, MIC TDC Hwy 60 Johnstown, LLC, a Colorado limited liability company, submitted an application to the Town for approval of a Preliminary Plat for Waggoner Farm, situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 17.444 acres; and

**WHEREAS**, on September 25, 2024, the Planning and Zoning Commission held a hearing, reviewed the request, and recommended that the Town Council approve the Preliminary Plat; and

**WHEREAS**, on March 17, 2025, the Town Council held a public hearing concerning approval of the Preliminary Plat and, after considering the Planning and Zoning Commission’s recommendation, reviewing the file and conducting such hearing, found that the Preliminary Plat for Waggoner Farm is consistent with the Town’s Comprehensive Plan and meets the requirements contained in the Johnstown Municipal Code and the Town’s regulations; and

**WHEREAS**, based on the foregoing, the Town Council desires to approve the Preliminary Plat for Waggoner Farm.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF JOHNSTOWN, COLORADO, THAT:**

**Section 1. Preliminary Plat Approval:** The Preliminary Plat for Waggoner Farm, situated in the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., Town of Johnstown, County of Weld, State of Colorado, consisting of approximately 17.444 acres, more particularly described on Exhibit A attached hereto and incorporated herein by reference, is hereby approved.

**Section 2. Recording:** The Town Clerk is hereby directed to obtain the appropriate signatures for the Preliminary Plat and have it properly recorded at the Office of the Weld County Clerk and Recorder.

PASSED, SIGNED, APPROVED, AND ADOPTED THIS \_\_\_\_day of March, 2025.

**TOWN OF JOHNSTOWN, COLORADO**

**ATTEST:**

By: \_\_\_\_\_  
Meghan Martinez, Town Clerk

By: \_\_\_\_\_  
Michael P. Duncan, Mayor

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;

THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;

THENCE South 89°43'16" West, a distance of 165.09 feet;

THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2 " rebar with a 2" aluminum cap;

THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;

THENCE along the centerline of said Home Supply Ditch the following 13 courses;

THENCE North 27°55'00" East a distance of 98.10 feet;

THENCE North 33°55'52" East a distance of 73.03 feet;

THENCE North 46°52'30" East a distance of 47.66 feet;

THENCE North 60°59'36" East a distance of 22.85 feet;

THENCE North 77°48'56" East a distance of 156.81 feet;

THENCE North 79°39'59" East a distance of 84.00 feet;

THENCE North 87°54'42" East a distance of 44.57 feet;

THENCE South 86°04'26" East a distance of 306.85 feet;

THENCE North 88°52'57" East a distance of 52.70 feet;

THENCE North 82°05'53" East a distance of 50.11 feet;

THENCE North 80°27'37" East a distance of 40.02 feet;

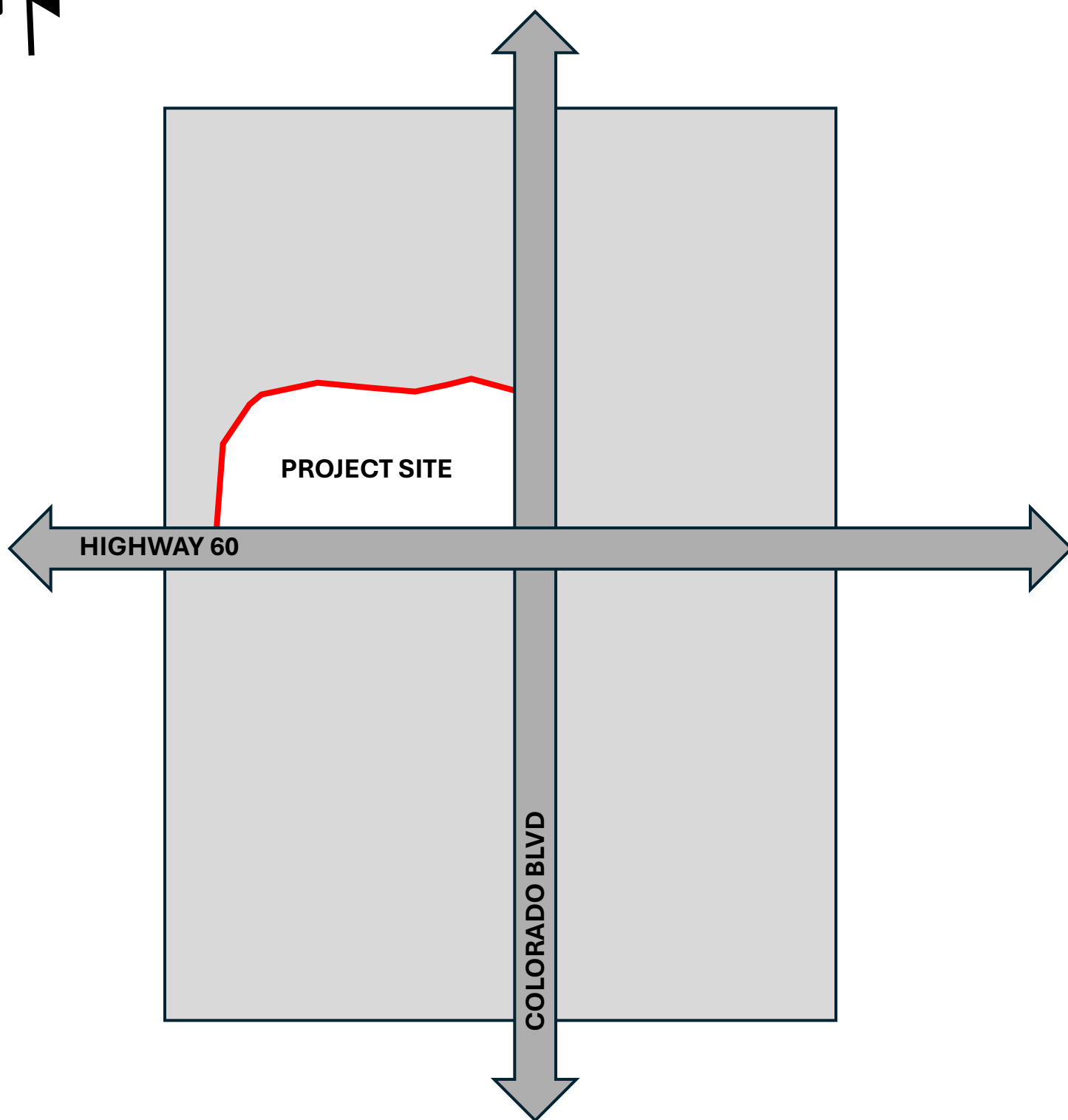
THENCE North 73°56'16" East a distance of 42.04 feet;

THENCE North 64°47'00" East a distance of 62.02 feet;

THENCE South 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;

THENCE South 67°15'47" East a distance of 96.96 feet to the east line of said Southeast Quarter;

THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.



VICINITY MAP



# WAGGONER FARM ZONING MAP

## TOWN OF JOHNSTOWN, COLORADO

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,

TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

17.444 Acres

### PARCEL DESCRIPTION

All that part of the Southeast 1/4 of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral.

EXCEPTING therefrom that parcel as conveyed in Warranty Deed recorded January 5, 1911 in Book 337 at Page 409, as Reception Number 162565 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 16, as Reception Number 1253788 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 18, as Reception Number 1253789 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 20, as Reception Number 1253790 of the records of the Weld County Clerk and Recorder.

### TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

### TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

and being more particularly described as follows, to wit:

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;  
THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;  
THENCE South 89°43'16" West, a distance of 165.09 feet;  
THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2 " rebar with a 2" aluminum cap;  
THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;  
THENCE along the centerline of said Home Supply Ditch the following 13 courses;  
THENCE North 27°55'00" East a distance of 98.10 feet;  
THENCE North 33°55'52" East a distance of 73.03 feet;  
THENCE North 46°52'30" East a distance of 47.66 feet;  
THENCE North 60°59'36" East a distance of 22.85 feet;  
THENCE North 77°48'56" East a distance of 156.81 feet;  
THENCE North 79°39'59" East a distance of 84.00 feet;  
THENCE North 87°54'42" East a distance of 44.57 feet;  
THENCE South 86°04'26" East a distance of 306.85 feet;  
THENCE North 88°52'57" East a distance of 52.70 feet;  
THENCE North 82°05'53" East a distance of 50.11 feet;  
THENCE North 80°27'37" East a distance of 40.02 feet;  
THENCE North 73°56'16" East a distance of 42.04 feet;  
THENCE North 64°47'00" East a distance of 62.02 feet;  
THENCE South 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;  
THENCE South 67°1547" East a distance of 96.96 feet to the east line of said Southeast Quarter;  
THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.

Said described parcel of land contains 759,848 Square Feet or 17.444 Acres, more or less (±).

OWNERS: MIC TDC Hwy 60 Johnstown, LLC, a Colorado Limited Liability Company.

By: \_\_\_\_\_ As: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

### NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

### NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

### LIENHOLDERS - EQUITY BANK

By: \_\_\_\_\_ As: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

### NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

### TOWN COUNCIL APPROVAL

This Map to be known as WAGGONER FARM ZONING MAP is approved and accepted to the Town of Johnstown, Colorado by Ordinance Number \_\_\_\_\_, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Mayor Attest: \_\_\_\_\_  
Town Clerk

### BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., monumented as shown on this plat, as bearing South 89°22'43" West, a distance of 2,652.47 feet and with all other bearings contained herein relative thereto.

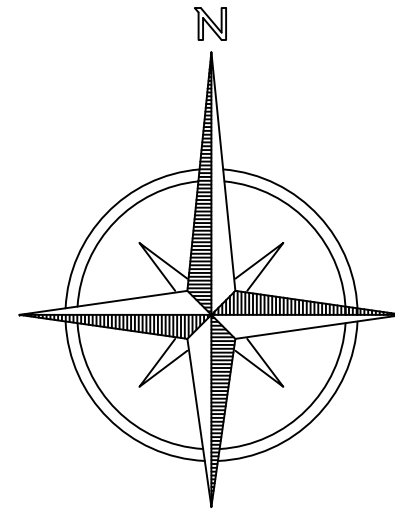
The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

### TITLE COMMITMENT NOTE

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number 459-HS0819500-414, Amendment No. 6, dated August 5, 2024, as prepared by Heritage Title Company to delineate the aforesaid information. This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

### SURVEYOR'S CERTIFICATE

I, Matthew A. Kramer, a Colorado Licensed Professional Land Surveyor, do hereby state that this Zoning Map is an accurate representation of the property to the best of my knowledge, information, belief, and in my professional opinion. I further state that this certificate does not extend to any unnamed parties or the successors and/or assigns.



VICINITY MAP  
SCALE: 1" = 1000'

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | N05°50'52"W | 23.80' |
| L2         | N03°45'01"E | 31.32' |
| L3         | N27°55'00"E | 98.10' |
| L4         | N33°55'52"E | 73.03' |
| L5         | N46°52'30"E | 47.66' |
| L6         | N60°59'36"E | 22.85' |
| L7         | N79°39'59"E | 84.00' |
| L8         | N87°54'42"E | 44.57' |
| L9         | N88°52'57"E | 52.70' |
| L10        | N82°05'53"E | 50.11' |
| L11        | N80°27'37"E | 40.02' |
| L12        | N73°56'16"E | 42.04' |
| L13        | N64°47'00"E | 62.02' |
| L14        | N84°31'53"E | 9.79'  |
| L15        | N01°02'06"E | 4.52'  |
| L16        | N60°59'36"E | 22.85' |
| L17        | N46°52'30"E | 47.66' |
| L18        | N33°55'52"E | 73.03' |
| L19        | N27°55'17"E | 97.98' |
| L20        | N05°29'27"W | 27.54' |
| L21        | S89°38'13"W | 33.30' |
| L22        | S00°46'08"E | 76.22' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L23        | N05°50'52"W | 63.78' |
| L24        | N89°04'59"E | 18.29' |
| L25        | N89°04'59"E | 18.17' |
| L26        | N00°03'47"E | 27.00' |
| L27        | S89°54'51"E | 28.42' |
| L28        | S89°57'56"E | 18.91' |
| L29        | N00°00'25"E | 13.50' |
| L30        | N89°59'35"W | 13.93' |
| L31        | S24°06'52"W | 66.65' |
| L32        | S27°55'17"W | 95.84' |
| L33        | S33°55'52"W | 60.69' |
| L34        | N58°38'42"W | 42.31' |
| L35        | N00°41'07"W | 26.69' |
| L36        | N89°56'05"W | 31.27' |
| L37        | S00°03'55"W | 10.78' |
| L38        | S89°56'05"E | 45.37' |
| L39        | S89°56'05"E | 40.37' |
| L40        | S89°56'05"E | 5.00'  |
| L41        | S00°03'47"W | 5.00'  |
| L42        | N89°55'30"W | 86.46' |
| L43        | N00°03'44"E | 18.00' |
| L44        | S89°56'05"E | 20.00' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L45        | S00°03'55"W | 18.00' |
| L46        | N00°03'55"E | 27.52' |
| L47        | N89°45'09"W | 14.48' |
| L48        | N00°14'51"E | 20.00' |
| L49        | S89°45'09"E | 10.00' |
| L50        | N00°14'51"E | 19.24' |
| L51        | S89°45'09"E | 20.00' |
| L52        | S00°14'51"W | 15.71' |
| L53        | S89°56'05"E | 35.41' |
| L54        | S89°56'05"E | 20.40' |
| L55        | N00°00'00"E | 19.68' |
| L56        | N90°00'00"E | 20.00' |
| L57        | N00°00'00"E | 19.70' |
| L58        | N44°39'21"E | 59.62' |
| L59        | S44°39'21"W | 50.91' |
| L60        | S67°09'21"W | 64.78' |
| L61        | N67°09'21"E | 55.39' |
| L62        | N00°21'32"W | 3.09'  |
| L63        | N89°38'28"E | 20.00' |
| L64        | S00°21'32"E | 16.46' |

### LEGEND

|           |                   |   |                                                    |
|-----------|-------------------|---|----------------------------------------------------|
| — — — — — | BOUNDARY LINE     | ■ | ALIQUOT CORNER AS DESCRIBED                        |
| — - - - - | RIGHT OF WAY LINE | ■ | FOUND MONUMENT AS DESCRIBED                        |
| - - - - - | SECTION LINE      | ○ | CALCULATED POSITION                                |
| - - - - - | CENTERLINE        | ● | SET 24" OF #4 REBAR WITH PINK PLASTIC CAP LS 38844 |
| - - - - - | LANDSCAPE BUFFER  | ◆ | FOUND #4 REBAR WITH YELLOW PLASTIC CAP LS 7242     |

# PRELIMINARY

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



|                     |                         |            |       |
|---------------------|-------------------------|------------|-------|
| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
| DATE: 8-21-2024     | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313ZONE  |            |       |
| CHECKED BY: SIP     | SCALE: = N/A            |            |       |

# 1

SHEET 1 OF 2



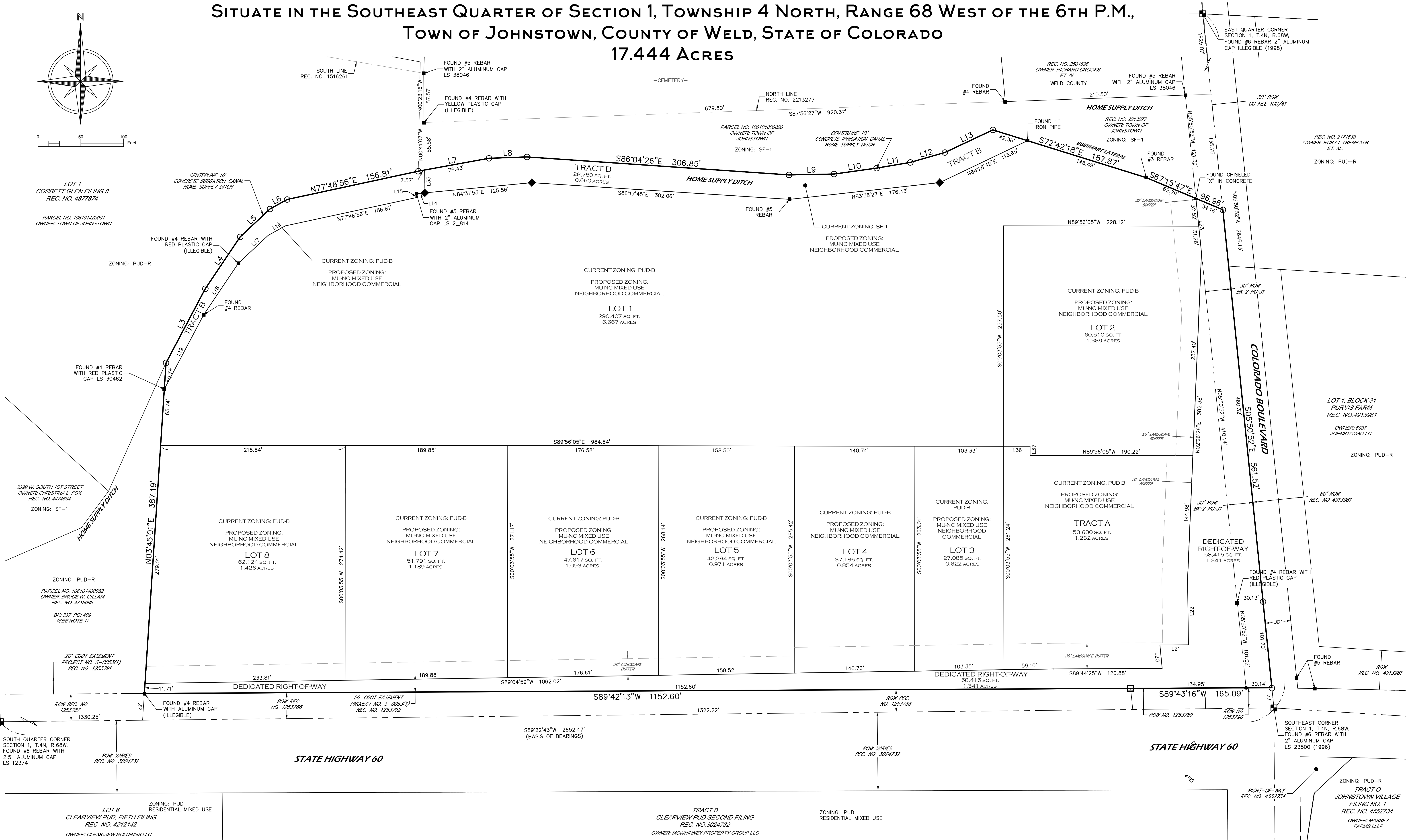
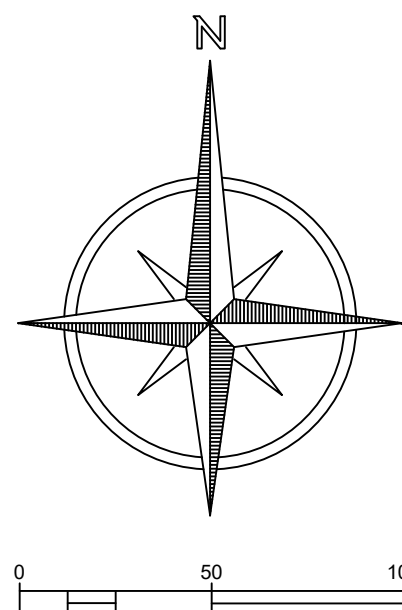
# WAGGONER FARM ZONING MAP

TOWN OF JOHNSTOWN, COLORADO

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,

TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

17.444 ACRES



PRELIMINARY

#### NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
|---------------------|-------------------------|------------|-------|
| DATE: 8-21-2024     | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313ZONE  |            |       |
| CHECKED BY: SIP     | SCALE: 1" = 50'         |            |       |

2

SHEET 2 OF 2



WAGGONER FARM  
BEING A SUBDIVISION OF A PARCEL OF LAND  
SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

DEDICATION

KNOW ALL MEN BY THESE PRESENTS that we, the undersigned being all the owners and lienholders of the following described property:

All that part of the Southeast 1/4 of Section 1, Township 4 North, Range 68 West of the 6th P.M., County of Weld, State of Colorado, lying and being southeast of the lower or south and east bank of the canal of the Consolidated Home Supply Ditch and Reservoir Company in said Quarter Section, and south of the lateral ditch in said quarter section known as The Eberhart Lateral.

EXCEPTING therefrom that parcel as conveyed in Warranty Deed recorded January 5, 1911 in Book 337 at Page 409, as Reception Number 162565 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 16, as Reception Number 1253788 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 18, as Reception Number 1253789 of the records of the Weld County Clerk and Recorder.

ALSO EXCEPTING therefrom, a parcel as conveyed in Deed recorded May 3, 1957 in Book 1477 at Page 20, as Reception Number 1253790 of the records of the Weld County Clerk and Recorder.

TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

TOGETHER WITH:

That parcel described in Bargain and Sale Deed recorded \_\_\_\_\_, 2024 as Reception Number \_\_\_\_\_ of the records of the Weld County Clerk and Recorder, Town of Johnstown, County of Weld, State of Colorado.

and being more particularly described as follows, to wit:

COMMENCING at the Southeast Corner of said Section 1, and assuming the south line of said Southeast Quarter as bearing South 89°22'43" West, being a Grid Bearing of the Colorado State Plane Coordinate System, North Zone, North American Datum 1983/2011, a distance of 2,652.47 feet monumented by a #6 rebar with a 2" aluminum cap stamped LS 23500 at the Southeast Corner of Section 1 and monumented by a #6 rebar with a 2.5" aluminum cap stamped LS 12374 at the South Quarter Corner of Section 1, and with all other bearings contained herein relative thereto;

THENCE North 05°50'52" West, along the east line of said Southeast Quarter, a distance of 23.80 feet to the northeast corner of that parcel described in Right-of-Way Deed recorded May 3, 1957, in Book 1477 at Page 20, as reception No. 1253790 of the records of the Weld County Clerk and Recorder, and the POINT OF BEGINNING;  
THENCE along the north lines of Right-of-Way parcels, Reception No. 1253788, Reception No. 1253789 and Reception No. 1253790 the following two courses;  
THENCE South 89°43'16" West, a distance of 165.09 feet;  
THENCE South 89°42'13" West a distance of 1,152.60 feet to a 1/2" rebar with a 2" aluminum cap;  
THENCE North 03°45'01" East, along an existing fence line, a distance of 387.19 feet to the centerline of the concrete irrigation canal of the Home Supply Ditch;  
THENCE along the centerline of said Home Supply Ditch the following 13 courses;  
THENCE North 27°55'00" East a distance of 98.10 feet;  
THENCE North 33°55'52" East a distance of 73.03 feet;  
THENCE North 46°52'30" East a distance of 47.66 feet;  
THENCE North 60°59'36" East a distance of 22.85 feet;  
THENCE North 77°48'56" East a distance of 156.81 feet;  
THENCE North 79°39'59" East a distance of 84.00 feet;  
THENCE North 87°54'42" East a distance of 44.57 feet;  
THENCE South 86°04'26" East a distance of 306.85 feet;  
THENCE North 88°52'57" East a distance of 52.70 feet;  
THENCE North 82°06'53" East a distance of 50.11 feet;  
THENCE North 80°27'37" East a distance of 40.02 feet;  
THENCE North 73°56'16" East a distance of 42.04 feet;  
THENCE North 64°47'00" East a distance of 62.02 feet;  
THENCE North 72°42'18" East, departing said centerline, a distance of 187.87 feet to a #3 rebar;  
THENCE South 67°15'47" East a distance of 96.96 feet to the east line of said Southeast Quarter;  
THENCE South 05°50'52" East, along said east line, a distance of 561.52 feet to the north line of Reception No. 1253790, and the POINT OF BEGINNING.

Said described parcel of land contains 759,848 Square Feet or 17.444 Acres, more or less (±).

do hereby cause said land to be laid out and platted under the name of WAGGONER FARM, and do hereby dedicate to the public forever all public rights of way, easements and other places designated or described for public uses. All conditions, terms and specifications designated or described herein shall be binding on the owners, their heirs, successors and assigns.

Owners: MIC TDC Hwy 60 Johnstown, LLC, a Colorado Limited Liability Company.

Member - MIC TDC Hwy 60 Johnstown, LLC

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

BASIS OF BEARINGS AND LINEAL UNIT DEFINITION

Assuming the South line of the Southeast Quarter of Section 1, Township 4 North, Range 68 West of the 6th P.M., monumented as shown on this plat, as bearing South 89°22'43" West, a distance of 2,652.47 feet and with all other bearings contained herein relative thereto.

The lineal dimensions as contained herein are based upon the "U.S. Survey Foot".

LIENHOLDERS - EQUITY BANK

By: \_\_\_\_\_ As: \_\_\_\_\_

Witness my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

NOTARIAL CERTIFICATE

STATE OF COLORADO )

COUNTY OF WELD )

The foregoing instrument was acknowledged before me by \_\_\_\_\_ as \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Witness my Hand and Official Seal.

My commission expires: \_\_\_\_\_.

TOWN COUNCIL

This plat, to be known as WAGGONER FARM, is approved and accepted by the Town of Johnstown, by Resolution Number \_\_\_\_\_, passed and adopted on final reading at a regular meeting of the Town Council of the Town of Johnstown, Colorado held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor Attest:  
\_\_\_\_\_  
Town Clerk

MAINTENANCE NOTE

Maintenance access shall be provided to all storm drainage facilities to assure continuous operational capability of the system. The property Owner shall be responsible for the maintenance of all drainage facilities including inlets, pipes, culverts, channels, ditches, hydraulic structures, and detention basins located on their land unless modified by the development agreement. Should the Owner fail to adequately maintain said facilities, the Town of Johnstown shall have the right to enter said land for the purposes of operations and maintenance. All such maintenance costs incurred by the Town will be assessed to the property Owner.

GENERAL OVERLOT DRAINAGE NOTE

Lots and Tracts as platted may be required to convey surface drainage from other lots and tracts in this filing, in accordance with Town of Johnstown requirements and the approved drainage plan for this filing. No alterations to the grading of the lots and tracts may be made that would disrupt the approved drainage plan, without prior approval from the Town of Johnstown. All natural and improved drainage ways or drainage systems in said lots and tracts shall be maintained by the lot or tract owner. Should the owner fail to adequately maintain said facilities, the Town of Johnstown shall have the right to enter said land for the purposes of operations and maintenance of the drainage ways or drainage systems. All such maintenance costs incurred by the Town will be assessed to the property owner.

DEVELOPMENT AGREEMENT NOTE

A Development Agreement has been filed in conjunction with this plat. That agreement should be viewed for additional stipulations or requirements that may encumber the property.

FLOOD PLAIN NOTE

The subject property is in flood zone 'X', "areas determined to be outside the 0.2% annual chance of floodplain" per FEMA flood map 08069C1405G revised January 15, 2021.

SURVEYOR'S NOTES

- The description of the parcel conveyed January 5, 1911 in Book 337 at Page 409 does not close or fit the geometry of the existing bounds. The description recorded May 26, 2021 as Reception Number 4719099 more accurately describes the existing parcel bounds and was used to establish and confirm the westerly boundary of the subject parcel.
- The 25.00' easement for the Home Supply Ditch, dedicated with this plat, is measured from the centerline of the concrete canal, which is coincident with the subdivision boundary. The south edge of this 25.00' easement is approximately 20.00 feet from the south edge of concrete for the canal.

TITLE COMMITMENT NOTE

For all information regarding easements, rights-of-way and title of records, Majestic Surveying, LLC relied upon Title Commitment Number 459-HS0819500-414, Amendment No. 6, dated August 5, 2024, as prepared by Heritage Title Company to delineate the aforesaid information.  
This survey does not constitute a title search by Majestic Surveying, LLC to determine ownership or easements of record.

NOTICE

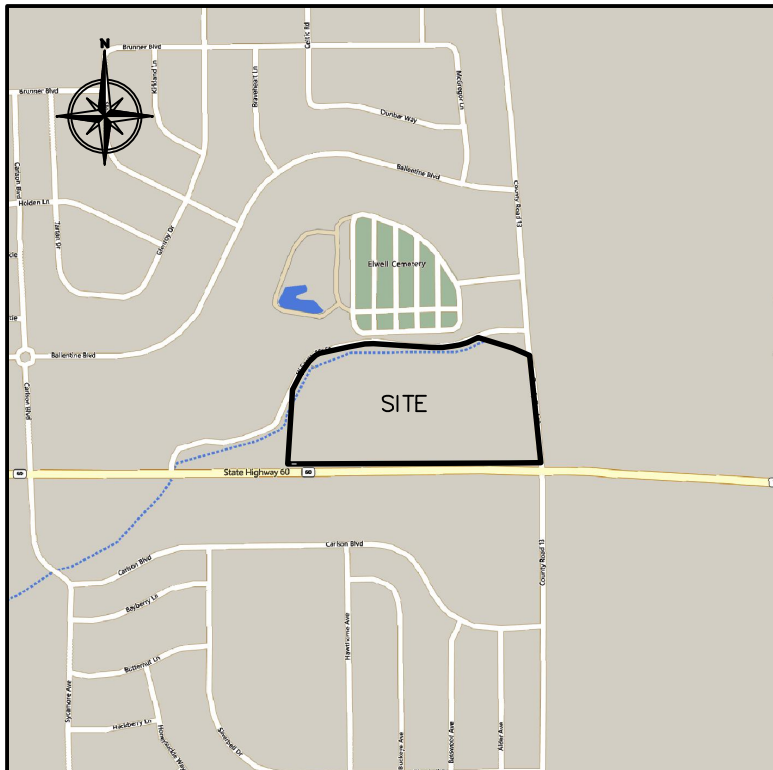
According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

Owner: TR Berthoud Car Wash, LLC,  
2649 Hudson Street, Denver, CO

Planner: Planscapes Design Group  
Robert Molly  
www.planscapesdesigngroup.com  
970-988-5301

Engineer: i2 Consultants, Inc.  
Troy W. Campbell, PE  
16911 Potts Place, Mead, CO  
970-217-9148

Surveyor: Majestic Surveying, LLC  
C/O Matt Kramer, PLS  
1111 Diamond Valley Drive, Suite 104  
Windsor, CO 80550  
970-833-5698



| CURVE TABLE |        |        |           |        |             |
|-------------|--------|--------|-----------|--------|-------------|
| CURVE       | LENGTH | RADIUS | DELTA     | CHORD  | CH BEARING  |
| C1          | 38.48' | 24.50' | 89°59'25" | 34.65' | N44°55'48"W |
| C2          | 38.48' | 24.50' | 89°59'54" | 34.65' | S45°03'58"W |
| C3          | 80.11' | 51.00' | 90°00'00" | 72.12' | S45°03'55"W |
| C4          | 41.63' | 26.50' | 90°00'00" | 37.48' | S45°03'55"W |
| C5          | 41.63' | 26.50' | 90°00'00" | 37.48' | N45°03'55"E |
| C6          | 21.30' | 46.50' | 26°14'54" | 21.12' | S13°03'26"E |
| C7          | 19.40' | 39.50' | 28°08'11" | 19.20' | N14°08'00"E |
| C8          | 31.41' | 20.00' | 89°59'24" | 28.28' | N44°55'48"W |
| C9          | 75.32' | 50.00' | 86°18'54" | 68.40' | S46°54'28"W |
| C10         | 80.11' | 51.00' | 89°59'38" | 72.12' | S45°03'55"W |

LEGEND

|                          |                   |   |                                                    |
|--------------------------|-------------------|---|----------------------------------------------------|
| —————                    | BOUNDARY LINE     | ■ | ALLOT CORNER AS DESCRIBED                          |
| -----                    | EASEMENT LINE     | ■ | FOUND MONUMENT AS DESCRIBED                        |
| -----                    | RIGHT OF WAY LINE | ○ | CALCULATED POSITION                                |
| -----                    | SECTION LINE      | □ | FOUND #4 REBAR WITH PINK PLASTIC CAP LS 38844      |
| -----                    | CENTERLINE        | ● | SET 24" OF #4 REBAR WITH PINK PLASTIC CAP LS 38844 |
| -----                    | LANDSCAPE BUFFER  | ◆ | FOUND #4 REBAR WITH YELLOW PLASTIC CAP LS 7242     |
| VACATED EASEMENT 2486994 |                   |   |                                                    |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L1         | N05°50'52"W | 23.80' |
| L2         | N03°45'01"E | 31.32' |
| L3         | N27°55'00"E | 98.10' |
| L4         | N33°55'52"E | 73.03' |
| L5         | N46°52'30"E | 47.66' |
| L6         | N60°59'36"E | 22.85' |
| L7         | N79°39'59"E | 84.00' |
| L8         | N87°54'42"E | 44.57' |
| L9         | N88°52'57"E | 52.70' |
| L10        | N82°05'53"E | 50.11' |
| L11        | N80°27'37"E | 40.02' |
| L12        | N73°56'16"E | 42.04' |
| L13        | N64°47'00"E | 62.02' |
| L14        | N84°31'53"E | 9.79'  |
| L15        | N01°02'06"E | 4.52'  |
| L16        | N60°59'36"E | 22.85' |
| L17        | N46°52'30"E | 47.66' |
| L18        | N33°55'52"E | 73.03' |
| L19        | N27°55'17"E | 97.98' |
| L20        | N05°29'27"W | 27.54' |
| L21        | S89°38'13"W | 33.30' |
| L22        | S00°46'08"E | 76.22' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L23        | N05°50'52"W | 63.78' |
| L24        | N89°04'59"E | 18.29' |
| L25        | N89°04'59"E | 18.17' |
| L26        | N00°03'47"E | 27.00' |
| L27        | S89°54'51"E | 28.42' |
| L28        | S89°57'56"E | 18.91' |
| L29        | N00°00'25"E | 13.50' |
| L30        | N89°59'35"W | 13.93' |
| L31        | S24°06'52"W | 66.65' |
| L32        | S27°55'17"W | 95.84' |
| L33        | S33°55'52"W | 60.69' |
| L34        | N58°38'42"W | 42.31' |
| L35        | N00°41'07"W | 26.69' |
| L36        | N89°56°05"W | 31.27' |
| L37        | S00°03'55"W | 10.78' |
| L38        | S89°56°05"E | 45.37' |
| L39        | S89°56°05"E | 40.37' |
| L40        | S89°56°05"E | 5.00'  |
| L41        | S00°03'47"W | 5.00'  |
| L42        | N89°55'30"W | 86.46' |
| L43        | N00°03'44"E | 18.00' |
| L44        | S89°56°05"E | 20.00' |

| LINE TABLE |             |        |
|------------|-------------|--------|
| LINE       | BEARING     | LENGTH |
| L45        | S00°03'55"W | 18.00' |
| L46        | N00°03'55"E | 27.52' |
| L47        | N89°45'09"W | 14.48' |
| L48        | N00°14'51"E | 20.00' |
| L49        | S89°45'09"E | 10.00' |
| L50        | N00°14'51"E | 19.24' |
| L51        | S89°45'09"E | 20.00' |
| L52        | S00°14'51"W | 15.71' |
| L53        | S89°56°05"E | 35.41' |
| L54        | S89°56°05"E | 20.40' |
| L55        | N00°00°00"E | 19.68' |
| L56        | N90°00°00"E | 20.00' |
| L57        | N00°00°00"E | 19.70' |
| L58        | N44°39'21"E | 59.62' |
| L59        | S44°39'21"W | 50.91' |
| L60        | S67°09'21"W | 64.78' |
| L61        | N67°09'21"E | 55.39' |
| L62        | N00°21'32"W | 3.09'  |
| L63        | N89°38'28"E | 20.00' |
| L64        | S00°21'32"E | 16.46' |

| WAGGONER FARM<br>Land Use Table |                                           |                 |              |                           |                                          |
|---------------------------------|-------------------------------------------|-----------------|--------------|---------------------------|------------------------------------------|
| Name                            | Description/Land Use                      | Area            |              | Intended Fee Ownership    | Maintenance Upon Completion & Acceptance |
| Lot 1                           | Multi-Family Residential                  | 290,407 sq. ft. | 6.667 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 2                           | Commercial Development                    | 60,510 sq. ft.  | 1.389 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 3                           | Commercial Development                    | 27,085 sq. ft.  | 0.622 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 4                           | Commercial Development                    | 37,186 sq. ft.  | 0.854 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 5                           | Commercial Development                    | 42,284 sq. ft.  | 0.971 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 6                           | Commercial Development                    | 47,617 sq. ft.  | 1.093 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 7                           | Commercial Development                    | 51,791 sq. ft.  | 1.189 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Lot 8                           | Commercial Development                    | 62,124 sq. ft.  | 1.426 acres  | TR Berthoud Car Wash, LLC | Owner                                    |
| Tract A                         | Open Space<br>Drainage & Utility Easement | 53,680 sq. ft.  | 1.232 acres  | HOA                       | HOA                                      |
| Tract B                         | Access & Irrigation Easement              | 28,750 sq. ft.  | 0.660 acres  | HOA                       | HOA                                      |
| ROW                             | Right-Of-Way                              | 58,415 sq. ft.  | 1.341 acres  | Town of Johnstown         | Town of Johnstown                        |
| TOTAL                           |                                           | 759,849 sq. ft. | 17.444 acres |                           |                                          |

SURVEYOR'S CERTIFICATE

I, Matthew A. Kramer, certify that this plat accurately represents the results of a survey made by me or under my responsible charge.

PRELIMINARY

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



|                     |                         |            |       |
|---------------------|-------------------------|------------|-------|
| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
| DATE: 8-8-2024      | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313SUB   |            |       |
| CHECKED BY: SIP     | SCALE: N/A              |            |       |

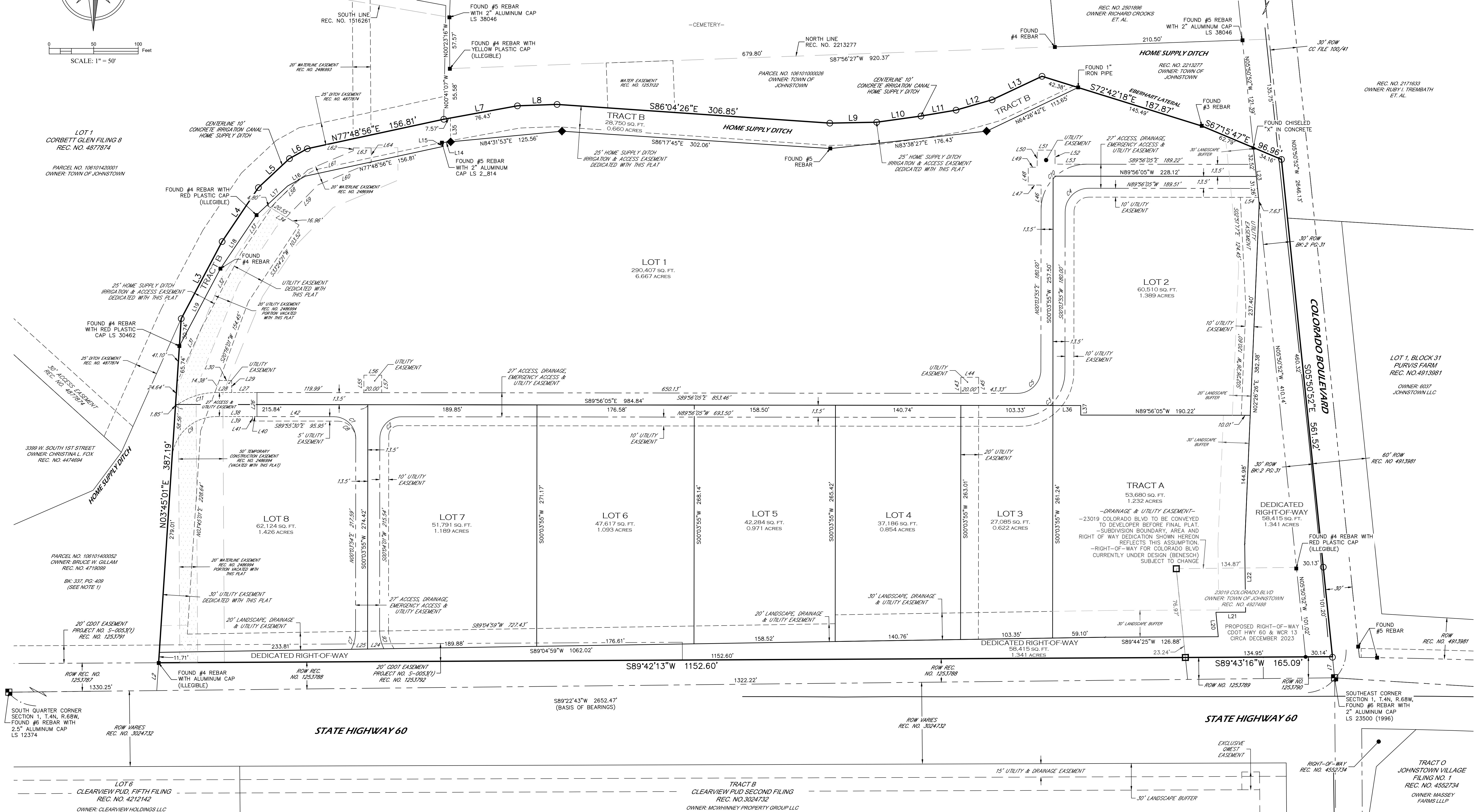
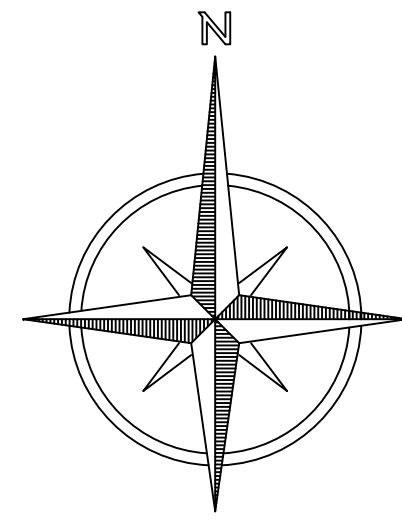
1



# WAGGONER FARM

BEING A SUBDIVISION OF A PARCEL OF LAND

SITUATE IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO



## PRELIMINARY

### NOTICE

According to Colorado law you must commence any legal action based upon any defect in this survey within three years after you first discover such defect. In no event may any action based upon any defect in this survey be commenced more than ten years from the date of the certification shown hereon. (13-80-105 C.R.S. 2012)

Matthew A. Kramer - On Behalf of Majestic Surveying, LLC  
Colorado Licensed Professional Land Surveyor #38844



| PROJECT NO: 2023313 | PROJECT NAME: WAGGONER  | REVISIONS: | DATE: |
|---------------------|-------------------------|------------|-------|
| DATE: 8-8-2024      | CLIENT: TDC DEVELOPMENT |            |       |
| DRAWN BY: MAK       | FILE NAME: 2023313SUB   |            |       |
| CHECKED BY: SIP     | SCALE: 1" = 50'         |            |       |

2

SHEET 2 OF 2



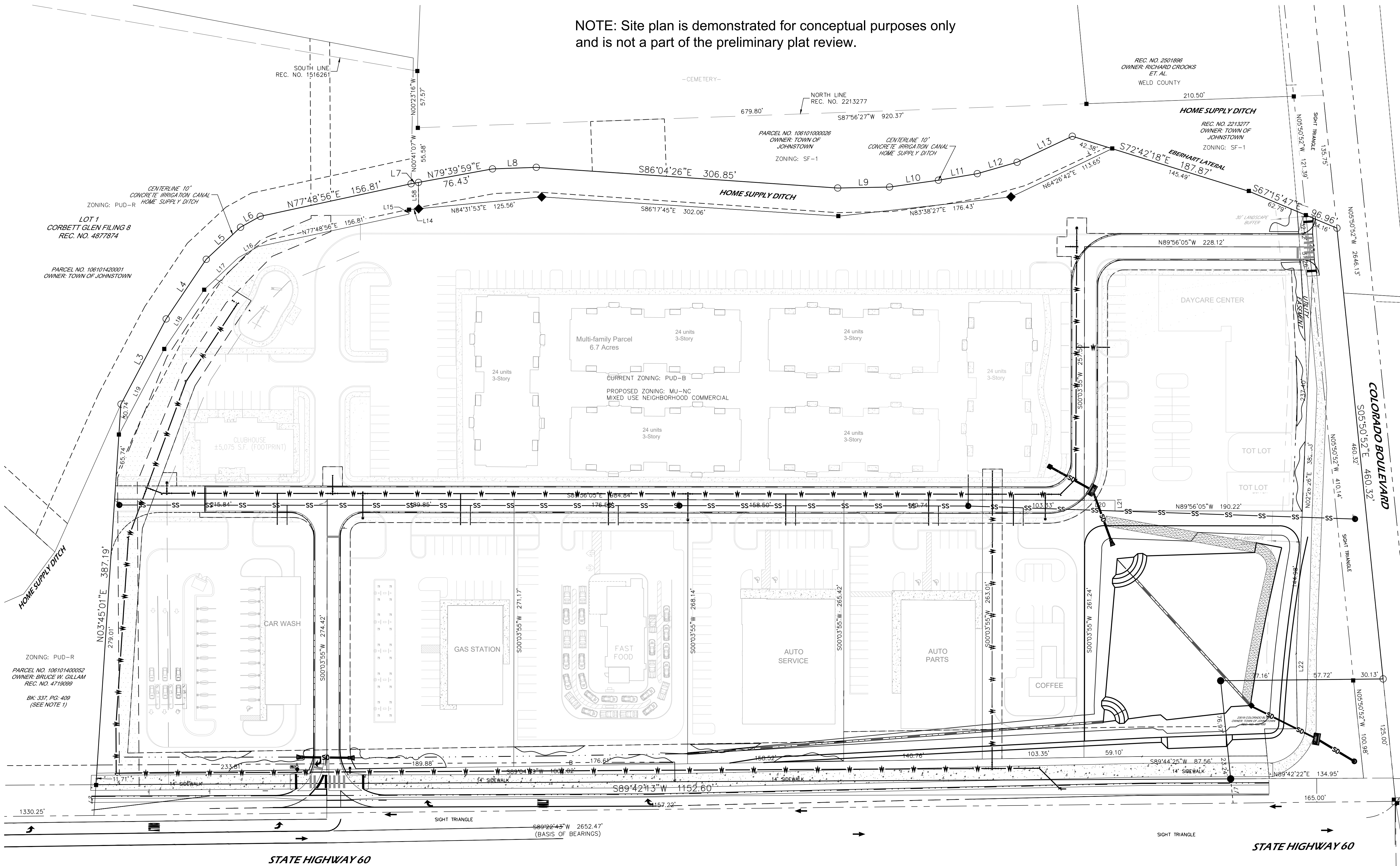
# WAGGONER FARM

BEING A SUBDIVISION OF A PARCEL OF LAND  
SITUATED IN THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 68 WEST OF THE 6TH P.M.,  
TOWN OF JOHNSTOWN, COUNTY OF WELD, STATE OF COLORADO

16.547 ACRES

## CONCEPT PLAN

NOTE: Site plan is demonstrated for conceptual purposes only  
and is not a part of the preliminary plat review.



PLANSCAPES  
DESIGN GROUP  
LAND PLANNING | LANDSCAPE ARCHITECTURE

PLANSCAPES DESIGN GROUP  
980 Norway Maple Drive  
Loveland, CO 80538  
970-988-5301



PROJECT NAME:  
WAGGONER FARM

DRAWING TITLE:  
CONCEPT PLAN

DRAWN BY:  
ET

CHECKED BY:  
RM

APPROVED BY:

DATE:  
6/3/2024

SITE  
Waggoner Farm  
NW corner of WCR 13 & Hwy 60

CLIENT  
MIC TDC Highway 60 Johnstown, LLC  
401 Linden Street, Unit 1-401  
Fort Collins, CO 80524

| REV         | DESCRIPTION | DATE     |
|-------------|-------------|----------|
| Submittal 1 |             | 12/13/23 |
| Submittal 2 |             | 6/3/24   |
| Submittal 3 |             | 8/9/24   |

SHEET NO:  
26 of 28

LOT 6  
CLEARVIEW PUD, FIFTH FILING  
ZONING: PUD  
RESIDENTIAL MIXED USE  
REC. NO. 4212142

TRACT B  
CLEARVIEW PUD SECOND FILING  
ZONING: PUD  
RESIDENTIAL MIXED USE  
REC. NO. 3024732

ZONING: PUD  
RESIDENTIAL MIXED USE

# Ordinance 2025-265 – Change of Zone Resolution 2025-06 – Preliminary Plat

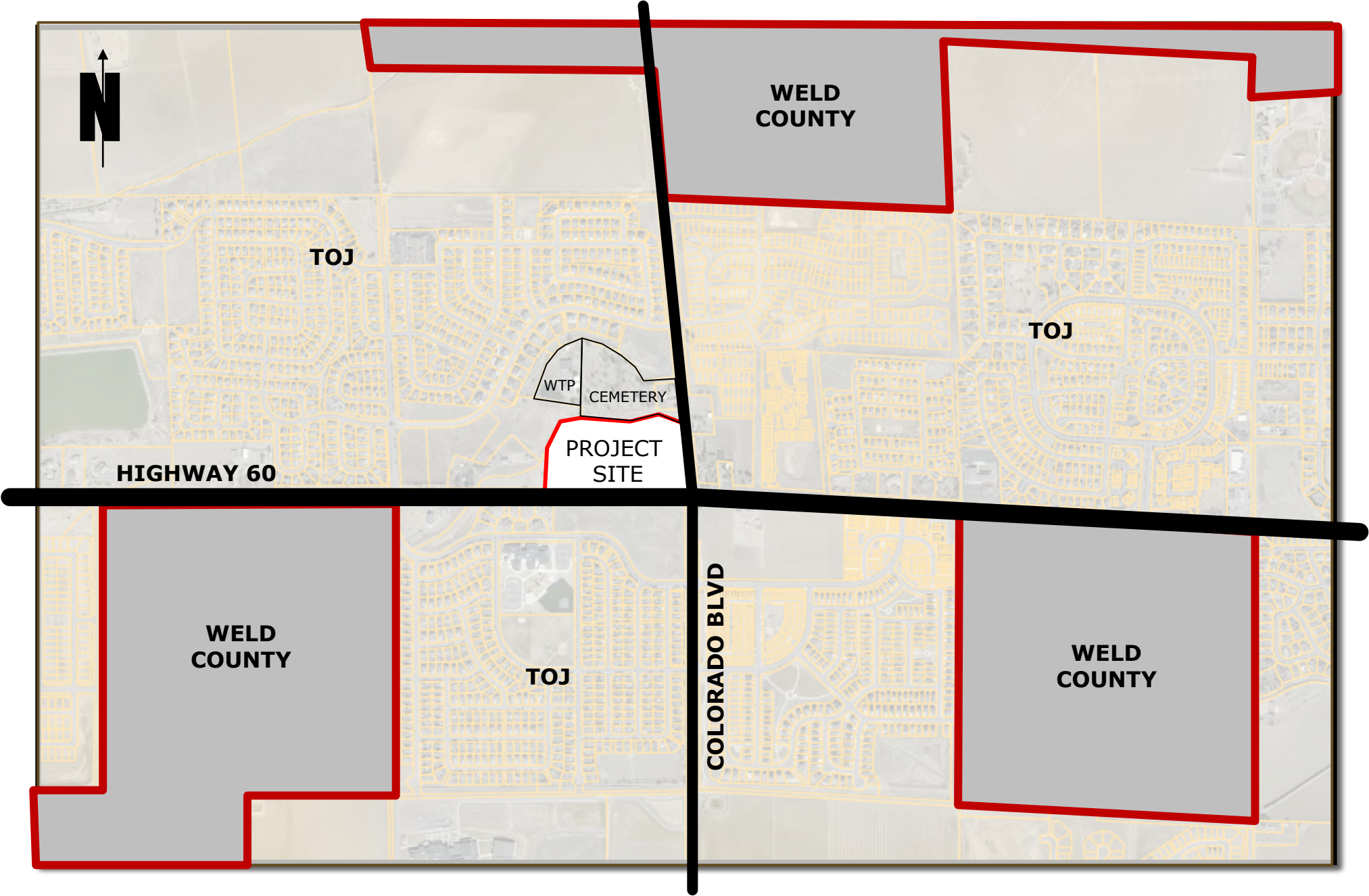
**Waggoner Farms**  
Change of Zone  
Preliminary Plat  
Subdivision Case No. SUB23-0021

Town Council  
March 17, 2025

*The Community that Cares*



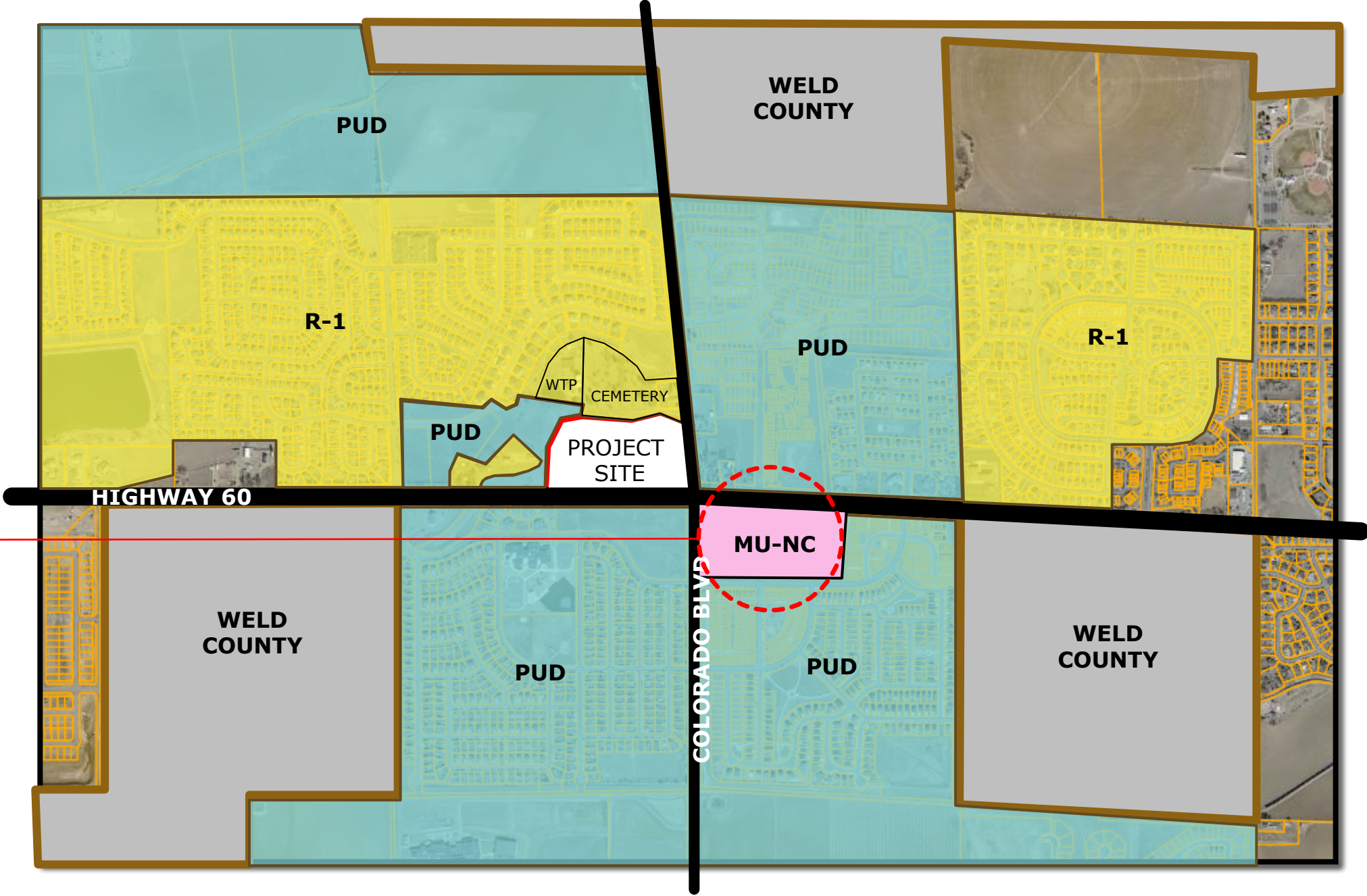
**VICINITY MAP**



# ZONING

Existing: PUD-B  
Proposed: MU-NC

**Massey Square**  
Rezoned in 2023  
PUD-MU to MU-NC  
Ord. 2023-262





## CURRENT ZONING – PUD-B

Annexed pursuant to Ordinance 2003-702

Zoned pursuant to Ordinance 2003-703

### PUD-B Zoning Designation

(c) PUD-B, Planned Unit Development Business District:

- (1) Intent. The PUD-B District is created to provide for construction of planned business and shopping centers. It is intended to promote the grouping of consumer oriented professional and business uses and to provide areas large enough to establish harmonious relationships between structures, people and motor vehicle impact with the use of well planned parking access, pedestrian walkways, courtyards, malls and landscaped open space.
- (2) Size. There is no minimum size for the PUD-B district. Any business development which is substantially dependent upon shared access, parking and other facilities with other lots should be developed as a PUD.
- (3) Uses permitted. Within the PUD-B District, the following uses shall be permitted, subject to meeting all applicable criteria and regulations:
  - a. Any nonresidential permitted use, conditional use or accessory use allowed in CB or SC Districts.
  - b. Residential uses, provided such use mix is found to be beneficial to the Town, consistent with the Comprehensive Plan and compatible with the surrounding uses.
  - c. If applicable, any use not included above, however permitted in the underlying zoning district.



*The Community that Cares*

# LAND USE DESIGNATION

## MDI

MEDIUM DENSITY/INTENSITY

**LDI**  
**LOW DENSITY/INTENSITY**

### MEDIUM DENSITY/INTENSITY (MDI)

#### INTENT & DESIRED CHARACTER

A Medium Density/Intensity area (MDI) will generally be characterized by a more balanced, and wider-ranging mix of land uses—incorporating walk-up apartment buildings, townhomes, small lot (3,500-5,000 SF) attached and detached single-family housing, in close proximity to neighborhood-scale shopping, personal services, restaurants, small medical facilities, and facilities such as libraries and recreational centers. MDI areas may also occur along arterials and other major corridors, and may serve as the next layer away from the High Density/Intensity areas they may neighbor, as a transition to lower density neighborhoods. MDI's will offer complete neighborhoods with a diversity of shops and services, including schools and civic facilities, within walking or biking distance from residential areas; and offer good walking connections along with larger-scale multi-modal trails.

Commercial uses may be developed as stand-alone sites or be grouped in small 10 to 20-acre centers or campuses. Johnstown's Downtown would be ideal for this level of development. Reuse and redevelopment of existing structures may occur, with historic residences and structures changing to offices, boutiques, or personal services with alley-served parking. Commercial centers in an MDI will feature more walkability, perhaps offering covered arcades or awnings, pedestrian-scaled signage, shade trees and nice landscaping that helps slow traffic and break-up parking areas, and enjoyable outdoor spaces to gather. Rooftop and sidewalk patios, along with courtyard plazas offer patrons enjoyable places to meet and eat, gather and chat with friends.

Residential neighborhoods will provide a range of housing options and provide street and trail connections to adjacent neighborhoods. Housing will be encouraged to provide porches that extend closer to the sidewalks, and garages that are alley-loaded or setback to offer a safer, slower, and more interesting streetscape. Future considerations may include accessory dwelling or carriage house units to increase affordability and diversity. These are great neighborhoods to encourage and accommodate a diversity of lifestyles and income ranges, and allow active-agers to remain in Johnstown once larger family homes and yards may be less desirable.



**MDI**  
**MEDIUM DENSITY/INTENSITY**  
**WELD COUNTY**



Article 4: Section 17-4-2 Permitted Uses

ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                                            | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT |
|------------------------------------------------------------|----|----|-----|-----|-----|-------|-------|
| Residential Uses                                           |    |    |     |     |     |       |       |
| One-unit Dwellings                                         | P  | P  | P   | P   | P   |       |       |
| Attached One-Unit / Multi-unit Dwellings                   |    |    |     |     |     | P     | P     |
| Dwellings – Mixed-use                                      |    |    |     |     |     | S     | P     |
| PD: Mgt / Small Format Home Community (all building types) |    |    |     |     |     | S     | S     |
| Established Residential                                    |    |    |     |     |     | P     | P     |
| Group Home – Small                                         | P  | P  | P   | P   | P   | P     | S     |
| Residential Care – Limited                                 | S  | S  | S   | S   | S   | P     | S     |
| Residential Care – General                                 |    |    |     |     |     | S     | S     |
| Residential Care – Institutional                           |    |    |     |     |     |       |       |
| Public / Institutional Uses                                |    |    |     |     |     |       |       |
| Limited (< 400 capacity / < 2 ac.)                         | P  | P  | P   | P   | P   | P     | P     |
| General (400–800 capacity / 2 – 5 ac.)                     |    |    |     |     |     | P     | P     |
| Large (800+ capacity / 5+ acre)                            |    |    |     |     |     |       |       |
| Government and Town                                        | P  | P  | P   | P   | P   | P     | P     |
| Library, public                                            |    |    |     |     |     | P     | P     |
| Museum, cultural                                           |    |    |     |     |     | P     | P     |
| School                                                     |    |    | P   | P   | P   | P     | P     |
| Athletic Field                                             |    |    | S   | S   | S   | S     | S     |
| Recreation Center or Grounds                               |    |    | S   | S   | S   | S     | S     |
| Park, Trail, Civic Space (See 17-3-2)                      | P  | P  | P   | P   | P   | P     | P     |
| Utility Major                                              |    |    |     |     |     |       |       |
| Utility – Minor (principal use)                            |    |    | S   | S   | S   | S     | S     |
| Agriculture Uses                                           |    |    |     |     |     |       |       |
| Roadside Stands                                            | P  | S  | S   | S   | S   | S     | S     |
| Farmers Market                                             | P  | S  |     |     |     | S     | P     |
| Community Farm                                             | P  | S  | S   |     |     |       |       |
| Farming – Limited                                          | P  | S  | S   |     |     |       |       |
| Farming – General                                          | P  |    |     |     |     |       |       |
| Farming – Industrial                                       | S  |    |     |     |     |       |       |
| Agriculture Industrial Services                            |    |    |     |     |     |       |       |
| Commercial Uses                                            |    |    |     |     |     |       |       |
| Limited – <3K – no boarding                                |    |    |     |     |     | P     | P     |
| Small – 3K – 8K or limited boarding                        | S  |    |     |     |     |       |       |
| General – 8K – 30K or boarding                             | P  |    |     |     |     |       |       |
| Large – Outdoor or > 30K                                   | P  |    |     |     |     |       |       |
| Dependent Care – Limited (< 3K)                            | S  | S  | S   | S   | S   | P     | P     |
| Dependent Care – General (3K – 8K)                         |    |    |     |     |     | S     | P     |
| Dependent Care – Large (> 8K)                              |    |    |     |     |     | S     | S     |
| Indoor / Limited (< 8K)                                    |    |    |     |     |     |       | S     |
| Indoor / General (8-30K+)                                  |    |    |     |     |     |       | S     |
| Indoor / Large (30K+)                                      |    |    |     |     |     |       | S     |

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Chapter 17  
Jostown Land Use & Development Code

ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                       | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT |
|---------------------------------------|----|----|-----|-----|-----|-------|-------|
| Food & Beverage Service               |    |    |     |     |     |       |       |
| Outdoor                               |    |    |     |     |     |       |       |
| Restaurant – Limited (< 3K)           |    |    |     |     |     | P     | P     |
| Restaurant – Small (3K – 8K)          |    |    |     |     |     | S     | P     |
| Restaurant – General (> 8K)           |    |    |     |     |     |       | S     |
| Bed & Breakfast (up to 5 rooms)       | S  | S  |     |     |     | S     | P     |
| Lodging                               |    |    |     |     |     |       |       |
| Inn (6 to 40 rooms)                   |    |    |     |     |     | P     | P     |
| Hotel / Motel (40+ Rooms)             |    |    |     |     |     |       | S     |
| Limited – < 8K s.f.                   |    |    |     |     |     | S     | P     |
| Medical Service                       |    |    |     |     |     |       |       |
| General – 8K – 30K s.f.               |    |    |     |     |     |       |       |
| Large – Hospital Complex – 30K+ s.f.  |    |    |     |     |     | S     | P     |
| Limited (< 8K or < 33% of MU project) |    |    |     |     |     | S     | P     |
| General (8K – 30K)                    |    |    |     |     |     |       | P     |
| Large (30K+)                          |    |    |     |     |     |       |       |
| Personal Service                      |    |    |     |     |     |       |       |
| Limited (< 3K or < 33% of MU project) |    |    |     |     |     | S     | P     |
| Small (3K – 8K)                       |    |    |     |     |     |       | P     |
| Large (> 8K)                          |    |    |     |     |     |       |       |
| Retail                                |    |    |     |     |     |       |       |
| General (8K-30K)                      |    |    |     |     |     |       | S     |
| Retail – Outdoor & Equipment Sales    |    |    |     |     |     |       |       |
| Small (< 8K)                          |    |    |     |     |     |       |       |
| General (8K – 30K)                    |    |    |     |     |     | S     | P     |
| Retail – Grocery Store                |    |    |     |     |     |       |       |
| Large (30K+)                          |    |    |     |     |     |       | P     |
| Gas Station – Limited (1-8 pumps)     |    |    |     |     |     | S     | S     |
| Gas Station – General (9-16 pumps)    |    |    |     |     |     |       |       |
| Gas Station – Large (17+ pumps)       |    |    |     |     |     |       |       |
| Vehicle & Equipment Uses              |    |    |     |     |     |       |       |
| Automobile Repair – Limited           |    |    |     |     |     | S     | S     |
| Automobile Repair – Body Shop         |    |    |     |     |     |       |       |
| Automobile, RV, Equip. Sales / Rental |    |    |     |     |     |       |       |
| Car Wash and Automobile Detailing     |    |    |     |     |     | S     |       |
| Manufacturing / Industrial Uses       |    |    |     |     |     |       |       |
| Contractors Office & Fleet Services   |    |    |     |     |     |       |       |
| Industrial Service, Light             |    |    |     |     |     |       |       |
| Industrial Service, Heavy             |    |    |     |     |     |       |       |
| Vehicle / Fleet Maintenance Facility  |    |    |     |     |     |       |       |
| Limited / Artisan                     |    |    |     |     |     | P     | P     |
| Brewery, Distillery, or Winery        |    |    |     |     |     |       | S     |
| Manufacturing – Light                 |    |    |     |     |     |       |       |
| Manufacturing – Heavy                 |    |    |     |     |     |       |       |
| Wholesale & Distribution              |    |    |     |     |     |       |       |
| Warehouse / Storage                   |    |    |     |     |     |       |       |
| Indoor Storage                        |    |    |     |     |     |       |       |
| Outdoor Storage                       |    |    |     |     |     |       |       |

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ARTICLE 4 – DISTRICTS & USES

17-4-2 PERMITTED USES

Table 4-2: Permitted Principal Land Uses

P = Permitted, subject to general district standards  
S = Permitted, by Use by Special Review, a discretionary process  
Blank means the use is not permitted

|                                    | HA | RE | R-1 | R-2 | R-3 | MU-NC | MU-DT | I-1 | I-2 | Specific Conditions |
|------------------------------------|----|----|-----|-----|-----|-------|-------|-----|-----|---------------------|
| Waste / Salvage                    |    |    |     |     |     |       |       |     |     |                     |
| Fuel Storage (principal use)       |    |    |     |     |     |       |       | S   | S   |                     |
| Automobile Wrecking / Salvage Yard |    |    |     |     |     |       |       |     |     | S                   |
| Hazardous Waste Handling           |    |    |     |     |     |       |       |     |     | S                   |
| Recycling Operation, Enclosed      |    |    |     |     |     |       |       | S   | S   |                     |
| Recycling Operation, Unenclosed    |    |    |     |     |     |       |       | S   | S   |                     |
| Waste Transfer Station             |    |    |     |     |     |       |       |     | S   |                     |

17-4-3 Specific Use Standards

The following uses may have impacts different than those generally enabled in the zoning districts, and have standards specific to the uses. These standards shall be met whether the use is a generally permitted use, accessory use, or a Use by Special Review according to Table 4-3. The uses in this section may include more specific types or formats of the uses generally enabled in Table 4-3.

A. Live-Work Dwelling. In districts where Live / Work Dwellings are permitted, they shall meet the following standards and conditions to be compatible with the context:

1. Commercial uses shall be limited to those uses that are otherwise permitted in the district or uses allowable through the Use by Special Review process in Section 17-2-7.

2. Any commercial activity shall occur on the ground floor and be directly accessible from the adjacent public street, sidewalk, or other public space or publicly accessible common area.

3. Commercial activity, and any accessory assembly, production of fabrication shall be scaled and operated in a way that is compatible with other residential uses in the area.

4. The commercial occupancy shall not be considered accessory to the residential dwelling, and therefore not subject to the accessory home occupation standards. However, the resident and the principal occupant of the commercial area shall be the same and the commercial occupancy shall be limited to no more than 50% of the building. Any greater percentage shall be treated as a mixed use or multi-unit building.

B. Mixed-use Dwelling. In districts where mixed-use dwellings are allowed uses, the following standards shall apply:

1. In the mixed-use districts, at least 50 percent of the ground floor of a mixed-use building shall be in a non-residential land use. In the R-3 Zoning District, no more than 50 percent of the total gross floor area of a structure containing a mixed-use, including basement area, shall be devoted to non-residential uses.

2. In the R-3 zone, the use shall be located on a collector street or higher, or otherwise located as a transition between residential and non-residential uses.

3. In the R-3 zone, only commercial uses permitted in the MU-NC district are allowed, and they may be further conditioned, limited, or prohibited through the Use by Special Review process in Section 17-2-7.

4. Mixed-use dwellings in commercial and mixed-use zones may include any commercial use permitted within that zoning district.

5. The design and character of all buildings and sites shall be compatible with the predominant character of the surrounding neighborhood. The operating characteristics

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Article 6: Section 17-6-2 Development Standards

ARTICLE 6 – NON-RESIDENTIAL DEVELOPMENT & DESIGN

17-6-2 NON-RESIDENTIAL DEVELOPMENT STANDARDS

Table 6-1: Non-residential Lot & Building Standards

17-6-2 Non-residential Development Standards

A. Non-residential Lot and Building Standards. The lot and building standards for non-residential uses in the following districts are specified in Table 6-1.

Table 6-1: Non-residential Lot & Building Standards

| Zoning District | Minimum Lot Standards |                     | Minimum Setbacks [5] |                   |             |          | Building Height (max) |
|-----------------|-----------------------|---------------------|----------------------|-------------------|-------------|----------|-----------------------|
|                 | Area                  | Lot Coverage (max.) | Front [1]            | Interior Side [2] | Corner Side | Rear [3] |                       |
| MU-NC           | 2K – 40K s.f.         | 80%                 | 10' – 25'            | 5'                | 20'         | 10'      | 40' / 3 stories       |
| MU-DT           | 2K – 30K s.f.         | 100%                | 0' – 10'             | 5'                | 10' [4]     | 10'      | 40' / 3 stories       |
| MU-RC           | 2.5K s.f.             | 20%                 | 25'                  | 5'                | 10' [4]     | 10'      | 60' / 5 stories       |
| I-1 & I-2       | 10K s.f. min.         | 10%                 | 25'                  | 10'               | 25'         | 10'      | 40' / 3 stories       |

[1] Front setback requirements may be modified for a particular street or block, based on the frontage types and design standards in Section 17-6-3.

[2] The interior side setback for buildings which share a party wall is 0'. For any side lot line that abuts a residential use or a district that has a greater side setback requirement, the greater side setback of the abutting district shall apply.

[3] For any lot where a rear lot line abuts a residential district, a setback of at least 25' shall apply.

[4] The side setback for corner buildings may be 0' in the MU-NC, MU-DT, or MU-RC districts, provided they meet the Frontage A standards on the lot and building for at least the first 30' from the front corner. [Section 17-6-3].

[5] Buildings and structures shall be setback from plugged and abandoned wells at least 50 feet; and from oil and gas facilities at least 250 feet.

B. Dimension Standards & Exceptions. The following applies to the lot and building standards established in Table 6-1: Non-residential Lot & Building Standards.

1. Setbacks.

a. In no case shall any setback exception or modification violate the provisions of a recorded easement.

b. Any structural projections over public rights of way, or any similar area designed for pedestrian circulation, shall be at least 9' [No Title] the grade, and in no case within 5 feet of any curb for a street, access drive, or other area for vehicles.

c. Structural projections such as bay windows, balconies, chimneys, eaves, cornices, awnings, open fire escapes, egress wells, or other non-foundational overhangs or projections may extend up to 4 feet from the foundation and encroach into the setback, but no closer than 2 feet from any lot line. This exception shall be limited to no more than 20% of the total area of any single facade.

d. Ground-mounted mechanical equipment, meters, and utility boxes accessory to the building may be located in the side or rear setback provided that they extend no more than 6 feet from the principal building and no closer than 3 feet to the lot line, and are screened from public right-of-way by structures or landscape. These limitations do not apply to any utility structures otherwise authorized to be located according to easements or in the right-of-way, which shall follow the location and design standards of those specific authorizations.

e. A lot may have more than one principal building, provided any accessory, secondary, or additional principal building be located at least 10 feet from any

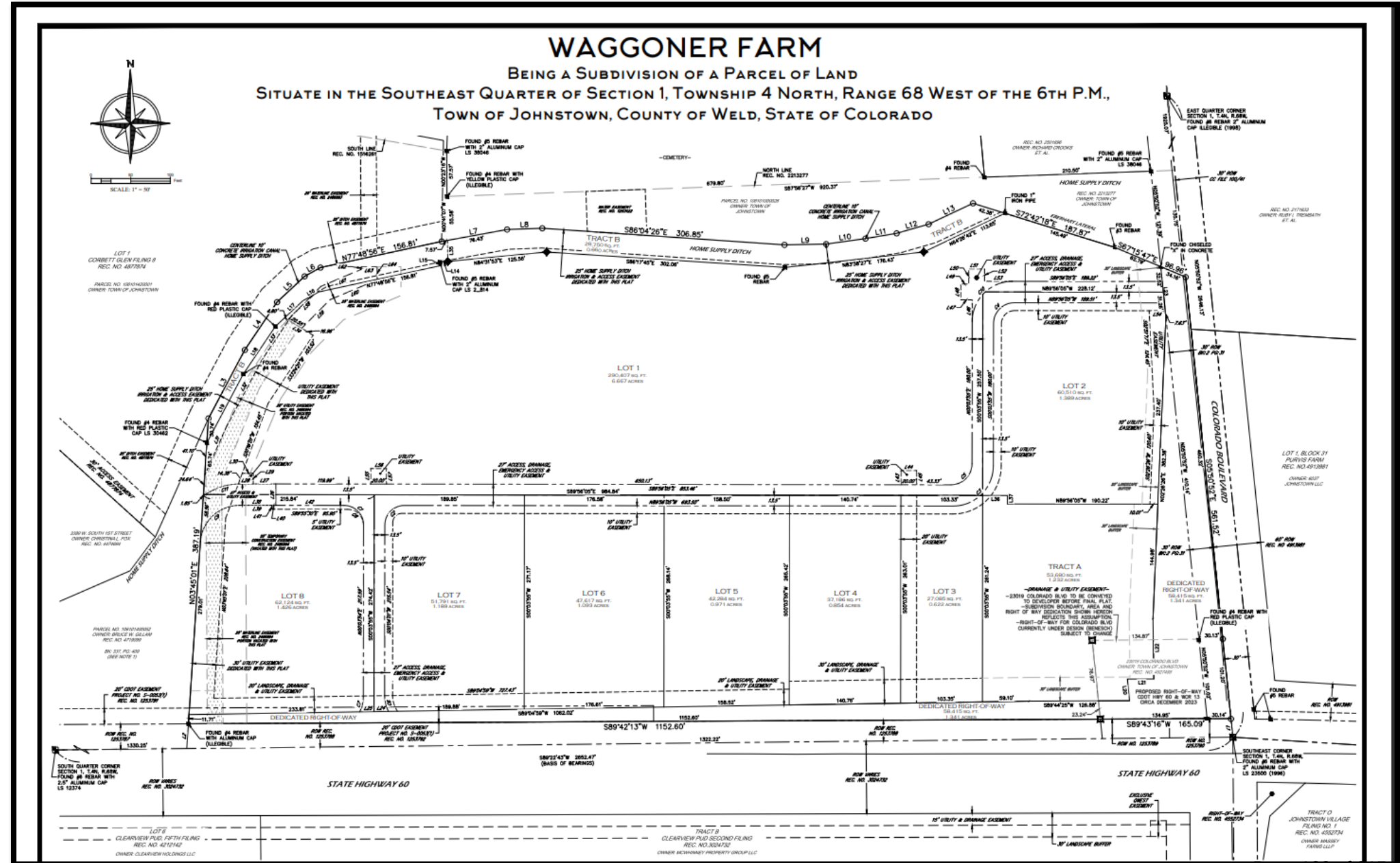
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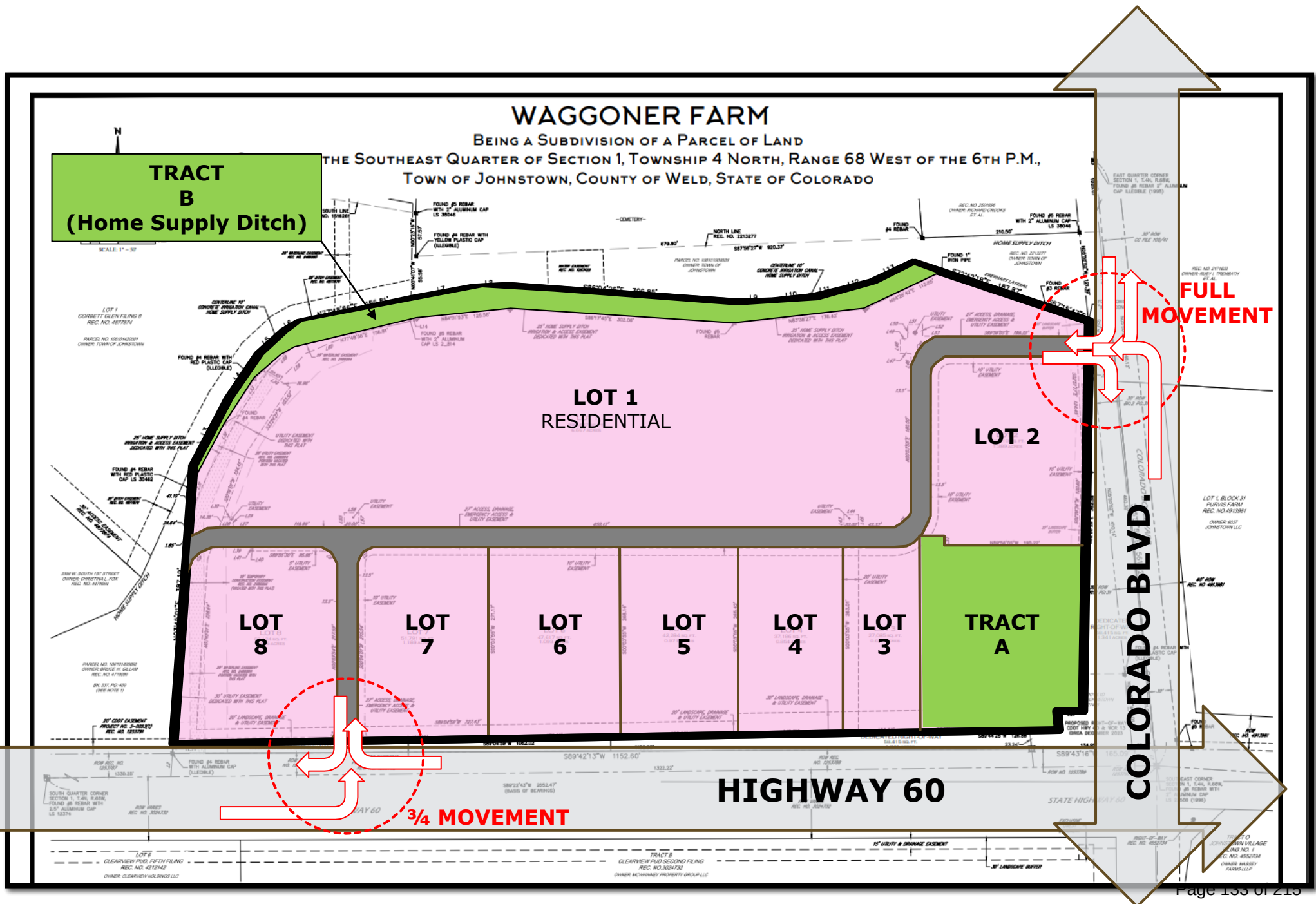
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# Preliminary Plat



# Preliminary Plat











# Town of Johnstown

## February 2025 Building Permit Statistics

### Single Family Residential

Current Month: 62 Issued ytd: 115

### Commercial

\*New Building Issued ytd 3

|        |        |        |        |        |        |                 |
|--------|--------|--------|--------|--------|--------|-----------------|
| Duplex | 3-plex | 4-plex | 5-plex | 6-plex | 7-plex | Apartment Bldgs |
| 2      | 0      | 0      | 0      | 0      | 0      | 0               |

### Other Residential

(basements/alterations/additions)

Issued ytd 154

### Other Commercial

\* (tenant finish/alterations/additions)

Issued ytd 20

| Fees collected at permit issuance    | Residential YTD        | Commercial YTD      |
|--------------------------------------|------------------------|---------------------|
| Construction Valuation               | \$41,113,113.92        | \$8,522,108.00      |
| Building permit fees                 | \$310,278.50           | \$94,677.30         |
| F&F or F&F Credit                    | \$0.00                 | \$0.00              |
| Paving                               | \$0.00                 | \$0.00              |
| Water Upgrade                        | \$0.00                 | \$0.00              |
| Water & Sewer Reimbursement          | \$0.00                 | \$0.00              |
| Raw Water Development Fee            | \$692,010.00           | \$0.00              |
| Water Meter                          | \$55,550.00            | \$0.00              |
| Water Tap                            | \$794,475.00           | \$0.00              |
| Sewer Tap                            | \$1,024,430.00         | \$0.00              |
| Regional Sewer Development fees      | \$494,000.00           | \$0.00              |
| Sewer Inspection Fee                 | \$11,000.00            | \$0.00              |
| Park                                 | \$55,000.00            | \$0.00              |
| Use Tax                              | \$676,847.14           | \$151,867.79        |
| Larimer Use Tax                      | \$69,068.39            | \$6,520.77          |
| Open Space Impact Fee                | \$154,951.00           | \$0.00              |
| Library Impact Fee                   | \$148,992.00           | \$0.00              |
| Public Facilities Impact Fee         | \$206,198.00           | \$0.00              |
| Police Facilities Impact Fee         | \$93,856.00            | \$0.00              |
| Transportation Facilities Impact Fee | \$360,438.00           | \$0.00              |
| 402 Interchange Fee                  | \$18,678.00            | \$0.00              |
| High Plains Blvd Reimbursement Fee   | \$0.00                 | \$0.00              |
| West Water Fee                       | \$87,300.00            | \$0.00              |
| Reinspection Fee                     | \$3,700.00             | \$0.00              |
| <b>TOTAL FEES (YTD)</b>              | <b>\$ 5,256,772.03</b> | <b>\$253,065.86</b> |

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**Building permits issued for individual dwelling units - 1991 to (date)**

| <b>Single family, duplex, 3-plex, 4-plex, 5-plex, 6-plex, 7-plex*</b> |               |                  |  |              |               |                  |
|-----------------------------------------------------------------------|---------------|------------------|--|--------------|---------------|------------------|
| <b>Year</b>                                                           | <b>Issued</b> | <b>Month avg</b> |  | <b>Year</b>  | <b>Issued</b> | <b>Month avg</b> |
| 1961 - 90                                                             | 165           | 0.0              |  | 2016         | 132           | 11.00            |
| 1991                                                                  | 2             | 0.17             |  | 2017         | 140           | 11.67            |
| 1992                                                                  | 5             | 0.42             |  | 2018         | 126           | 10.50            |
| 1993                                                                  | 7             | 0.75             |  | 2019         | 87            | 7.25             |
| 1994                                                                  | 47            | 3.92             |  | 2020         | 108           | 9.75             |
| 1995                                                                  | 106           | 8.83             |  | 2021         | 184           | 15.33            |
| 1996                                                                  | 145           | 12.00            |  | 2022         | 446           | 37.16            |
| 1997                                                                  | 143           | 11.92            |  | 2023*        | 411           | 41.10            |
| 1998                                                                  | 175           | 14..58           |  | 2024         | 526           | 43.84            |
| 1999                                                                  | 145           | 12.08            |  | 2025         | 115           | 57.5             |
| 2000                                                                  | 134           | 11.92            |  |              |               |                  |
| 2001                                                                  | 152           | 12.67            |  | <b>TOTAL</b> | <b>6868</b>   |                  |
| 2002                                                                  | 262           | 21.92            |  |              |               |                  |
| 2003                                                                  | 284           | 24.17            |  |              |               |                  |
| 2004                                                                  | 331           | 27.67            |  |              |               |                  |
| 2005                                                                  | 375           | 31.33            |  |              |               |                  |
| 2006                                                                  | 180           | 15.75            |  |              |               |                  |
| 2007                                                                  | 160           | 133.42           |  |              |               |                  |
| 2008                                                                  | 97            | 8.00             |  |              |               |                  |
| 2009                                                                  | 89            | 7.42             |  |              |               |                  |
| 2010                                                                  | 124           | 10.33            |  |              |               |                  |
| 2011                                                                  | 184           | 15.34            |  |              |               |                  |
| 2012                                                                  | 310           | 25.84            |  |              |               |                  |
| 2013                                                                  | 378           | 31.50            |  |              |               |                  |
| 2014                                                                  | 272           | 22.67            |  |              |               |                  |
| 2015                                                                  | 162           | 13.50            |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |
|                                                                       |               |                  |  |              |               |                  |

\*Starting in 2023, number represents total number of units constructed including all single-family type structures. This number does not include apartments. Prior to 2023, the number represents single-family units only.

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2. Timely and adequate notice of the pendency of these proceedings *in rem* has been given in the manner required by law. The Water Court has jurisdiction over the subject matter of these proceedings and over all who have standing to appear as parties, whether they have appeared or not.
3. The land and water rights involved herein are not included within the boundaries of any designated ground water basin.
4. Timely statements of opposition were filed by the Little Thompson Water District, the Town of Milliken, the City of Loveland, the Consolidated Home Supply Ditch and Reservoir Company, the State and Division Engineers, the Thompson Water Users Association, the Greeley and Loveland Irrigation Company, the City of Evans, the City of Greeley, acting by and through its Water and Sewer Board (“Greeley”), and Mountain View Farms, Inc.
5. The time for filing additional statements of opposition has expired and no other person has entered their appearance herein or moved to intervene herein.
6. This matter was referred to the Water Referee pursuant to the provisions of section 37-92-302(4), C.R.S. and rereferred to the Water Judge February 16, 2022.
7. The following parties have entered into stipulations with the Town resolving their concerns in this matter:
  - 7.1 Little Thompson Water District; stipulation dated February 19, 2025 and approved by the Court February 19, 2025.
  - 7.2 Town of Milliken; stipulation dated November 29, 2025 and approved by the Court November 30, 2023.
  - 7.3 City of Loveland; stipulation dated February 25, 2025 and approved by the Court February 26, 2025.
  - 7.4 Thompson Water Users Association; stipulation dated February 19, 2025 and approved by the Court February 19, 2025
  - 7.5 Consolidated Home Supply Ditch and Reservoir Company; stipulation dated February 17, 2025 and approved by the Court February 19, 2025.
  - 7.6 State and Division Engineers; stipulation dated February 17, 2025 and approved by the Court February 19, 2025.
  - 7.7 Greeley and Loveland Irrigation Company; stipulation dated February 17, 2025 and approved by the Court February 19, 2025.
  - 7.8 City of Evans; stipulation dated October 23, 2023 and approved by the Court

October 26, 2023.

7.9 City of Greeley; stipulation dated February 17, 2025 and approved by the Court February 19, 2025.

7.10 Mountain View Farms, Inc.; stipulation dated February 11, 2025 and approved by the Court February 12, 2025

8. The Consolidated Home Supply Ditch and Reservoir Company, a mutual ditch company (“Home Supply”) shares, Big Thompson Ditch and Manufacturing Company (“BTDMC”) shares, and other interests in water rights in the Home Supply system included in the application are owned by the Town, committed for dedication to the Town through existing Annexation Agreements, Development Agreements, or Water and Sewer Service Agreements, and owned by persons who anticipate dedicating their water rights to the Town and who have requested in writing that the Town include their water rights in this proceeding. The Exhibit A map and Exhibit B table hereto identifies the water rights currently owned by the Town and by others being changed in this case.

8.1 General description of water rights included herein and sought to be changed in this proceeding:

8.1.1 346.75 shares of the total 2,001 shares outstanding in Home Supply Ditch. By ownership of said shares, the Town comprising 159.5 shares, or the current owners of said shares comprising 187.25 shares and who have consented to including said shares in the Application, are entitled to the use of a pro rata portion of the water rights priorities owned by Home Supply, as described more particularly below.

8.1.2 1.2667 shares of the 18.664583 shares of the Big Thompson Ditch and Manufacturing Company (“BTDMC”) in the Home Supply system, as limited by the conditions imposed in Civil Action No. 4081 (April 6, 1903). The Town owns 0.46667 of the 1.26667 shares to be changed in this matter.

8.1.3 The Koenig and Gard Big Thompson Ditch Priority No. 1 Water Rights in the amount of 5 cfs each (10 cfs total) transferred to the Home Supply Ditch in Case No. 4081 and as limited by the respective contracts dated January 10, 1903. The Town owns 7.61 of the 8.61 cfs to be changed in this matter.

8.1.4 1.89 cfs of the Big Thompson Ditch Priority No. 1 Water Rights changed to the Home Supply Ditch in Civil Action 6905 (June 30, 1914) and known as the Rodeffer water. The Town owns all of the 1.89 cfs to be changed in this matter.

8.1.5 The Town's interest in the water rights described in Paragraphs 8.1.3 and 8.1.4 being changed herein are collectively referred to as the "Priority No. 1 Water Rights."

8.2 General description of water rights in the Home Supply system that have been the subject of prior change cases and are not to be changed in this proceeding.

8.2.1 The water rights associated with 6.25 additional shares of Home Supply stock were changed to municipal use for the Town in Case No. 90CW202, Water Division No. 1, by decree dated August 28, 1992. The water rights associated with those 6.25 shares of Home Supply stock are not affected by this proceeding.

8.2.2 The water rights associated with 658.25 shares of Home Supply stock and 2.72083 shares of the BTDMC stock that were changed to municipal use for the Town in Case No. 98CW410, Water Division No. 1, by decree dated September 13, 2004. The water rights associated with those 658.25 shares of Home Supply stock and 2.72083 shares of BTDMC stock are not affected by this proceeding.

8.2.3 The water rights associated with two (2.0) shares in the BTDMC were transferred to the point of diversion at the Home Supply Ditch headgate in Case No. 6831, District Court in and for Boulder County, by decree dated March 23, 1914, and later were changed to municipal use for the Town in Case No. 90CW202, Water Division No. 1, by decree dated August 28, 1992. The water rights associated with an additional one and one-third ( $1\frac{1}{3}$ ) shares in the BTDMC were transferred for domestic use for the Town in Case No. 8795, District Court in and for Boulder County, by decree dated August 6, 1928. The water rights associated with the foregoing three and one-third ( $3\frac{1}{3}$ ) shares in the BTDMC are not affected by this proceeding.

8.2.4 The water rights associated with 156.5 shares of Home Supply stock that were changed to municipal use for the Town in Case No. 06CW224, Water Division No. 1, by decree dated March 10, 2014. The water rights associated with those 156.5 of Home Supply stock are not affected by this proceeding

8.2.5 1.0 cfs of the Big Thompson Ditch Priority No. 1 water right that was transferred to the point of diversion at the Home Supply Ditch headgate and changed to municipal use for the Town in Case No. 6952, District Court in and for Boulder County, by decree dated November 24, 1914. The water rights associated with the 1.0 cfs of the Big Thompson Ditch Priority No. 1 are not affected by this proceeding.



8.2.6 0.89 cfs of the Big Thompson Ditch Priority No. 1 water right that was transferred to the point of diversion at the Home Supply Ditch headgate in Case No. 6465, District Court in and for Boulder County, by decree dated June 5, 1913, and later was changed to municipal use for the Town in Case No. 90CW202, Water Division No. 1, by decree dated August 28, 1992. The water rights associated with the 0.89 cfs of the Big Thompson Ditch Priority No. 1 are not affected by this proceeding.

8.2.7 1.0 cfs of the Gard Priority No. 1 Water Right changed by the City of Loveland in Case No. 07CW325, District Court, in and for Water Division No. 1. The water rights associated with the 1.0 cfs of said Gard Priority No. 1 are not affected by this proceeding

## 9. Subject Water Rights and associated Decrees.

### 9.1 Home Supply

9.1.1 Dates and amounts of appropriation, and dates of decrees.

**Table 1**  
**Direct Flow Rights Carried in the Home Supply Ditch**

| Priority No. | Date of Decree | Appropriation Date | Amount (cfs)       |
|--------------|----------------|--------------------|--------------------|
| 1            | 05/28/1883     | 11/10/1861         | 13.78 <sup>1</sup> |
| 2            | 05/28/1883     | 04/01/1863         | 13.02              |
| 4            | 05/28/1883     | 05/01/1864         | 14.19              |
| 10 ½         | 05/28/1883     | 03/01/1867         | 25.05              |
| 20           | 05/28/1883     | 05/01/1872         | 3.74               |
| 50           | 05/28/1883     | 07/15/1881         | 278.84             |

#### Notes:

1. None of the Priority No. 1 water right is owned by Home Supply. Such water was transferred into the Home Supply Ditch by private owners in various court proceedings decreed in 1903, 1913, 1914, and 1928. These water rights have been diverted and used under the Home Supply system for municipal or agricultural purposes, depending on their ownership. These rights have been included in the Town's ditch-wide analysis, and the portions being changed in this case were analyzed separately.
2. The BTDMC priorities (2, 4, 10 ½ and 20) set forth in Table 1, above, total 56 cubic feet per second and represent 18.664583 of the total 48 shares outstanding in the BTDMC. These water rights were transferred into the Home Supply Ditch in three separate proceedings in the District Court in and for Boulder County, to wit: Case No. 4081, by decree dated April 6, 1903; Case No. 6831, by decree dated March 13, 1914; and Case No. 8795, by decree dated August 5, 1928. They

<sup>1</sup> Does not include the 1.0 cfs previously changed in Case No. 07CW325.

have been diverted and used under the Home Supply system since those times and they have been included in the Town's ditch-wide analysis of the Home Supply system conducted for the decree in Case No. 98CW410, together with the other water rights listed in Table 2, below.

3. The 1903 decree in Case No. 4081 included 46 cubic feet per second of priorities 2, 4, 10<sup>1/2</sup>, and 20. Said decree limited the diversion season for said water rights to a period from the start of the direct flow irrigation season until July 14 at noon each year. Historically, this condition has been strictly administered by the Water Commissioner.
4. Home Supply owns 8.075 of the 18.664583 shares of BTDMC carried in the Home Supply system. The water derived from these shares is delivered pro rata to the Home Supply shareholders. This water owned by Home Supply, together with all the other BTDMC water included in Case No. 98CW410, was transferred in the 1903 decree cited in footnote 3 above and this is subject to the seasonal limitation described there.
5. Home Supply owns 100% of Priority No. 50 and the yield of said water right is delivered pro rata to Home Supply shareholders.

**Table 2**  
**Storage Rights within the Home Supply System**

| <b>Name of Structure</b>        | <b>Case No.</b>   | <b>Date of Decree</b> | <b>Appropriation Date</b> | <b>Amount (AF)</b> | <b>Amount Represented by 346.75 Shares of Home Supply (AF)</b> |
|---------------------------------|-------------------|-----------------------|---------------------------|--------------------|----------------------------------------------------------------|
| Lone Tree                       | None <sup>1</sup> | 03/22/1890            | 02/01/1881                | 9,182.74           | 1591.26                                                        |
| Mariano (a/k/a Boedecker)       | None <sup>1</sup> | 03/22/1890            | 08/01/1888                | 5,570.70           | 965.34                                                         |
| Lon Hagler                      | W-269             | 11/22/1971            | 07/07/1959                | 5,307.81           | 919.78                                                         |
| Lone Tree Refill                | CA 10777          | 11/14/1939            | 06/15/1907                | 9,182.74           | 1591.26                                                        |
| Mariano Refill                  | CA 10077          | 11/14/1939            | 06/17/1907                | 5,570.70           | 965.34                                                         |
| Lon Hagler Refill (Absolute)    | 80CW091           | 10/02/1980            | 08/21/1979                | 1,778              | 308.11                                                         |
| Lon Hagler Refill (Conditional) | 80CW091           | 10/02/1980            | 08/21/1979                | 3,529.81           | 611.67                                                         |

**Note:** All of the foregoing storage rights are owned by Home Supply and the yield of said rights are delivered pro rata to Home Supply shareholders.

1. The original storage rights for Lone Tree and Mariano Reservoirs were included in a decree without a clearly identified case number issued by the Boulder District Court dated March 22, 1890.

**Table 3**  
**Home Supply Direct Flow Rights Included in Case No. 20CW3011**

| <b>Priority No.</b> | <b>Date of Decree</b> | <b>Appropriation Date</b> | <b>Total Amount Carried In Ditch (cfs)</b> | <b>Amount Represented by 346.75 Shares of Home Supply (cfs)</b> |
|---------------------|-----------------------|---------------------------|--------------------------------------------|-----------------------------------------------------------------|
| 2                   | 05/28/1883            | 04/01/1863                | 13.02                                      | 0.976                                                           |
| 4                   | 05/28/1883            | 05/01/1864                | 14.19                                      | 1.064                                                           |
| 10 ½                | 05/28/1883            | 03/01/1867                | 25.05                                      | 1.878                                                           |
| 20                  | 05/28/1883            | 05/01/1872                | 3.74                                       | 0.280                                                           |
| 50                  | 05/28/1883            | 07/15/1881                | 278.84                                     | 48.320                                                          |
| <b>Totals</b>       |                       |                           | 334.84                                     | 52.518                                                          |

9.1.2 Source of Water: Big Thompson River (for all direct flow and storage priorities.

9.1.3 Point of Diversion: The point of diversion of the Home Supply Ditch is on the south side of the Big Thompson River in the SW1/4SW1/4 of Section 2, Township 5 North, Range 70 West, 6<sup>th</sup> P.M., Larimer County, Colorado.

9.2 The Big Thompson Ditch Priority No. 1.

9.2.1 Dates and amounts of appropriation: 96.5 cfs, being priority No. 1 with a date of November 10, 1861, as further limited by the following contracts.

9.2.1.1 On January 10, 1903, William H. Gard entered into a water delivery agreement with Home Supply. Mr. Gard was the owner of a 1/14th interest in the Big Thompson Ditch water right, or 7 cfs. Pursuant to the 1903 Agreement, it was agreed that this 1/14th interest had only been diverted into the Home Supply Ditch in the amount of 5 cfs since 1898. Home Supply agreed that such 5 cfs could continue to be diverted into the Home Supply Ditch, but that Home Supply would only be obligated to deliver one-half of this water, or 2.5 cfs, to Gard from the beginning of each irrigation season until noon on July 14th (“Early” water). From noon on July 14th through August 31st, Home Supply would only divert 2.5 cfs pursuant to this water right. Under the 1903 Agreement, however, Home Supply was permitted to keep all of this water diverted after noon on July 14th in exchange for providing 7,857,000 cubic feet

of water stored by Home Supply to Mr. Gard (or 180.37 acre-feet) (“Late” water).

9.2.1.2 On January 10, 1903, Elizabeth Koenig entered into a water delivery agreement with Home Supply. Ms. Koenig was the owner of a 1/14<sup>th</sup> interest in the Big Thompson Ditch water right, or 7 cfs. Pursuant to the 1903 Agreement, it was agreed that this 1/14<sup>th</sup> interest had only been diverted into the Home Supply Ditch in the amount of 5 cfs since 1898. Home Supply agreed that such 5 cfs could continue to be diverted into the Home Supply Ditch, but that Home Supply would only be obligated to deliver one-half of this water, or 2.5 cfs, to Koenig from the beginning of each irrigation season until noon on July 14<sup>th</sup> (“Early” water). From noon on July 14<sup>th</sup> through August 31<sup>st</sup>, Home Supply would only divert 2.5 cfs pursuant to this water right. Under the 1903 Agreement, however, Home Supply was permitted to keep all of this water diverted after noon on July 14<sup>th</sup> in exchange for providing 7,857,000 cubic feet of water stored by Home Supply to Ms. Koenig (or 180.37 acre- feet) (“Late” water).

9.2.1.3 In Case No. 6905, the District Court, County of Boulder (July 7, 1914) decreed that the point of diversion for George W. Rodeffer’s 1.89 cfs of Priority No. 1 water on the Big Thompson River was moved from the Hillsborough Ditch to the Home Supply canal.

9.2.2 Source of Water: Big Thompson River.

9.2.3 Date and court where original decree entered: May 28, 1883, in the proceeding known as the general adjudication decree in and for Water District No. 4, in the District Court, in and for Boulder County.

9.2.4 Point of diversion: The original point of diversion was located in Section 22, Township 5 North, Range 68 West. The Big Thompson Ditch water that is part of this application was moved to the headgate of the Home Supply Ditch, as described in paragraph 9.1.3, above, by the District Court, in and for Boulder County, Case No. CA 4081, April 6, 1903 and Case No. CA 6905, June 30, 1914.

9.3 Big Thompson Ditch and Manufacturing Company.

9.3.1 Dates and amounts of appropriation:

**Table 4**  
**Big Thompson Ditch and Manufacturing Company Rights Included**  
**in Case No. 20CW3011**

| <i><b>Name of Structure</b></i> | <i><b>Case Number</b></i> | <i><b>Date of Decree</b></i> | <i><b>Appropriation Date</b></i> | <i><b>Total Amount Carried in Ditch (cfs)</b></i> | <i><b>Amount Represented by 1.26667 shares of the BTDMC (cfs)</b></i> |
|---------------------------------|---------------------------|------------------------------|----------------------------------|---------------------------------------------------|-----------------------------------------------------------------------|
| BTDMC Ditch                     | Orig. Adj. 1883           | 05/28/1883                   | April 1, 1863                    | 13.02                                             | 0.884                                                                 |
| BTDMC Ditch                     | Orig. Adj. 1883           | 05/28/1883                   | May 1, 1864                      | 14.19                                             | 0.963                                                                 |
| BTDMC Ditch                     | Orig. Adj. 1883           | 05/28/1883                   | March 1, 1867                    | 25.05                                             | 1.700                                                                 |
| BTDMC Ditch                     | Orig. Adj. 1883           | 05/28/1883                   | May 1, 1872                      | 3.74                                              | 0.254                                                                 |

9.3.2 Source of water: Big Thompson River.

9.3.3 Date and court where original decree entered: May 28, 1883 in the District Court in and for Boulder County, Colorado, being the original adjudication for Water District No. 4.

9.3.4 Point of diversion: The point of diversion of the BTDMC was originally decreed in the SE1/4, Section 15, Township 5 North, Range 69 West, 6<sup>th</sup> P.M., Larimer County, Colorado. However, by decree in Case No. 81CW103, District Court, Water Division 1, dated June 14, 1989, the point of diversion was changed to the NE1/4SW1/4 of Section 15, Township 5 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, at a point approximately 1,800 feet North of the South quarter corner of said Section 15. The BTDMC Water represented by the 1 and 32/120 (1.26667) BTDMC Shares herein were transferred to the headgate of the Home Supply Ditch by decree of the District Court in and for Boulder County, Case No. 4081, dated April 6, 1903. The headgate for the Home Supply Ditch is described in paragraph 9.1.3, above. This proceeding does not involve any additional change in point of diversion.

9.4 Chapman Reservoir. The Town originally included a claim to change the Chapman Reservoir Rights. The Town has withdrawn that claim.

9.5 Combined, the water rights listed in this paragraph 9, except for paragraph 9.4, are called the “Subject Water Rights.”

10. There are three reservoirs operated by the Home Supply involved in this Decree. Lone Tree Reservoir, Mariano Reservoir (a/k/a Boedecker Lake) and Lon Hagler Reservoir, are each owned by Home Supply, and filled through the Home Supply Ditch, except that Mariano Reservoir may also be filled through the George Rist Ditch. The Subject Water Rights will be diverted at the Home Supply Ditch headgate, as described in Paragraph 9.1.3, above, or the George Rist Ditch, and initially stored in one or more of the Home Supply Reservoirs located in Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado, more particularly described as follows:

10.1 Lone Tree Reservoir is located in Sections 4, 5, 8, and 9, Township 4 North;

10.2 Mariano Reservoir (a/k/a Boedecker Lake) is located in Sections 20 and 21, Township 5 North; and

10.3 Lon Hagler Reservoir is located in Sections 29, 30, 31, and 32, Township 5 North.

In addition, after initial storage in any of the reservoirs listed in Paragraphs 10.1, 10.2, or 10.3, and with the consent of Home Supply, the Town will also cause water to be released from any reservoir and reposition such water in any other reservoir listed in this Paragraph 10, including the following reservoirs, without limitation:

10.4 Johnstown Reservoir is located in Sections 1 and 2, Township 4 North, Range 68 West, 6<sup>th</sup> P.M., Weld County, Colorado, and is filled through the Home Supply Ditch and the Town’s raw water pipeline from Lone Tree Reservoir. Said reservoir is owned by the Town.

10.5 Chapman Reservoir is located in Section 32, Township 5 North, Range 68 West, 6<sup>th</sup> P.M., Larimer County, Colorado, and is filled through the Home Supply Ditch and by irrigation return flows. A 7/9ths interest in said reservoir is owned by the Town. Chapman Reservoir is a natural depression that is filled with storm and irrigation runoff and seepage from the surrounding acres, as well as Big Thompson River water diverted through the Home Supply Ditch and other sources listed in paragraph 9, above. There is no natural surface outlet to the Big Thompson River from the Reservoir, however water can be delivered to the stream through a pipeline.

The Town will use the Subject Water Rights stored in both Johnstown and Chapman Reservoirs as part of its municipal supply. Any deliveries of water from Johnstown and Chapman Reservoirs to the Town shall be limited to the measured deliveries of the Subject Water Rights into those reservoirs. In addition, the Water Commissioner may need to administer deliveries of the Town’s pro-rata share of the Subject Water Rights from said reservoirs to replace historical irrigation returns pursuant to the provisions of this decree.



11. The Town has not requested in this proceeding, and this Decree does not approve any of the following:

- 11.1 Any change in point of diversion of any direct flow or storage priority currently decreed for diversion at the Home Supply Ditch headgate;
- 11.2 Any change in the seasonal limitation set forth in the decree in Case No. 4081, District Court in and for Boulder County, dated April 6, 1903, relating to the 46 cubic feet per second of BTDMC water, which decree limited diversions to the period from the start of the direct flow irrigation season to July 14 at noon each year;
- 11.3 Any change in the seasonal limitation set forth in the decrees or contracts for the Koenig and Gard Big Thompson Ditch Priority No. 1 Water Rights described in Paragraphs 9.2.1.1 and 9.2.1.2, above;
- 11.4 Any change in place of storage for the priorities decreed to Lone Tree Reservoir, Mariano Reservoir or Lon Hagler Reservoir, all owned by Home Supply. These structures will continue to fill and be administered in the historical manner. The Town's limited request is that the Court recognize that after storage in Lone Tree Reservoir, Mariano Reservoir, and/or Lon Hagler Reservoir, respectively, the Town's pro rata share of the storage water may be re-stored by the Town in the reservoirs within the Home Supply system, described above, which reservoirs the Town may use to manage the Town's water for subsequent use and to make required return flow deliveries; or
- 11.5 Other than as described in paragraphs 18, 27, 28, 29, and 41, this decree does not include any plan for reuse, successive use, or exchange of return flows from irrigation of lawns, parks, golf courses, ball fields or similar irrigation uses, which are supplied by the Town's treated or untreated water supply system. However, the Town has reserved all rights to claim, quantify, and adjudicate such uses in subsequent proceedings in the Water Court and to use such water in substitute water supply plans approved by the State Engineer.

12. In Case No. 98CW410 the Town conducted and the Court approved a ditch-wide analysis of the Home Supply system in order to determine the historical use and historical consumptive use per share of Home Supply water rights and BTDMC water rights within the Home Supply system. The Town relied upon the same ditch wide analysis in Case No. 06CW224, and in this Case No. 20CW3011. The analysis included the period 1950 through 1998. This period encompasses wet years, dry years, and years of average supply and is representative of historical use under the Home Supply system.

13. Home Supply and BTDMC Historical Use. The location of the lands historically irrigated under the Home Supply Ditch system is depicted on the map attached hereto as Exhibit A and incorporated herein by this reference. The water diverted under the Subject Water Rights has

historically been used to irrigate agricultural crops such as beets, spring grains, alfalfa, corn, beans, pinto beans, pasture grass, hay, and barley. The Town's analysis has included review of the Home Supply Watershed Study dated January 1964. Said study was prepared by the Big Thompson Soil Conservation District, Home Supply, and the Handy Ditch Company with the assistance of the U.S. Department of Agriculture, Soil Conservation Service, and the Colorado Water Conservation Board. Said study included a general analysis of irrigation supplies available to Home Supply and mapping of irrigated lands, and was based in part on a survey of Home Supply shareholders. The study determined that 21,890 acres were irrigated under the Home Supply system (10.94 acres per share on the average) and that water supplies were inadequate for the crops being grown. The study noted that prior State Engineer records indicated as much as 24,875 acres were irrigated under the Home Supply system (12.43 acres per share on the average). The engineering analysis conducted in Case No. 98CW410 authored by Noel Hobbs of Camp Dresser & McKee, Inc., dated March 21, 2000 (the "Hobbs Report") generally relied upon such reports in the ditch-wide analysis to show a water short system under the Home Supply system. However, the Decrees in Case Nos. 98CW410 and 06CW224 relied upon specific assignments of Home Supply and BTDMC shares to specific farms to make the ditch-wide findings. The engineering analysis in this case was more in depth than in any of the previous cases, and resulted in the total acres and average acres per share determination as shown in the summary table in Exhibit B.

14. Priority No. 1 Water Rights. These water rights are not Home Supply water rights, but they have historically been used on Home Supply farms. This water was analyzed separately from the Home Supply and BTDMC water to determine the historical consumptive use of these sources. The analysis included the period 1950 through 1998. This period encompasses wet years, dry years, and years of average supply, is representative of historical use under the Home Supply system, and is consistent with the study period used for the ditch-wide analysis used for the Home Supply shares changed in Case Nos. 98CW410, 06CW224, and this Case. The Integrated Decision Support Group ("IDSCU") model was run in two iterations to determine the historical consumptive use of the Priority No. 1 Water Rights. The model was first run with the historical Home Supply and BTDMC shares associated with the farms. For the second run of the model, the Priority No. 1 Water Rights were added. The difference in consumptive use and return flows are attributable to the use of the Priority No. 1 Water Rights. There is little difference between the maximum, minimum, and average consumptive use due to the senior status of the water right. On average, 147.3 acre-feet of the Town's Early Koenig water was consumed annually (57.6% of the farm headgate delivery), and 46.8 acre-feet of its Late Koenig water was consumed annually (65.0%). The consumptive use of the Sauer and DeVries Late Koenig water was 35.2 acre-feet (65.0%) and 30.3-acre-feet (64.5%), respectively. Of the Town's and Mountain View Farm's Early Gard water, 131.2 acre-feet was consumed annually (59.14%), and 93.8 acre-feet of their Late Gard water was consumed annually (65.0%). Lastly, 160.5 acre-feet of the Town's Rodeffer water was consumed annually (60.0%).

15. The Town's analysis in Case No. 98CW410 considered Home Supply records, which include measurements of net deliveries: (1) to shareholder's farm headgates; (2) to major incorporated laterals from Home Supply's main canals; and (3) to the Town's municipal water

system. The Town's analysis also considered the State Engineer's records of river headgate diversions. Therefore, conveyance losses within the Home Supply system have been appropriately considered in the ditch-wide analysis.

16. The Town's analysis concluded, and the Court found in the decrees in Case Nos. 98CW410 and 06CW224, that the water supply under the Home Supply system is inadequate to meet the crop requirements. Further, this area does not have a high groundwater table and historically the entire irrigation supply for crops was supplied by surface water diversions and precipitation. Based on this water short condition, depletions from the use of Home Supply and BTDMC water for irrigation under the Home Supply system from all of the Subject Water Rights were historically controlled by irrigation efficiency rather than acreage. The original ditch-wide analysis assumed that in a water-short system, such as the Home Supply system, irrigated ground would naturally dry-up and consumptive use would decrease as shares are dedicated to municipal use and so no specific delineation of lands to be dried up was necessary in the decree to protect other water users from injury. As a matter of settlement in this case, the parties have agreed to an approach to track and confirm dry-up going forward. In order to ensure that the Subject Water Rights will not be expanded, the Town must demonstrate that dry-up has occurred within the Home Supply system equivalent to the acreage historically irrigated with the Subject Shares, as described in more detail in Paragraph 42, below. However, other terms and conditions of this decree must be met, in order to prevent injury from the requested change of water rights.

17. All of the water rights listed in Paragraphs 9.1, 9.2, and 9.3, above, are diverted from the Big Thompson River by Home Supply and are decreed for diversion at the Home Supply Ditch headgate. Home Supply, a mutual ditch company, will continue to divert the Subject Water Rights at said point and during the times consistent with historical practices, for the benefit of the Town, other Home Supply shareholders and private parties whose water is carried by Home Supply by contract. To the extent water rights included herein are decreed for and historically have been used for irrigation, the Town requests approval of a change from direct flow use to use on both a direct flow and storage basis and a change of use from irrigation to all municipal purposes within its present and future service area, including augmentation, and for municipal irrigation and once all return flow obligations have been met, to use, reuse, successively use and dispose of to extinction all water diverted under the Subject Water Rights, including the right to use, reuse, successively use, and dispose of the historical consumptive use credits associated with the Subject Water Rights for the purposes decreed herein, including but not limited to use as a substitute source of supply for augmentation, substitution, replacement or exchange. To the extent that consumptive use credits attributable to the Subject Water Rights are used for irrigation of lawns, parks, golf courses, system flushing, and other uses that result in return flows to the stream(s), except as provided in Paragraph 41, below, the Town seeks the right to a future quantification of the amount and timing of such return flows, and the right to reuse, successively use, and dispose of these return flows. The Subject Water Rights will continue to be available for use for their historical irrigation beneficial use until Declared for municipal use as described in Paragraph 20, below.

18. In addition, the Town seeks a determination of historical use and historical consumptive use and a determination of the Town's right to consume by first use, reuse, successive use, exchange, and/or augmentation the amount of water historically consumptively used under the Subject Water Rights. Any plan for reuse, successive use, or exchange shall be subject to Paragraphs 28 and 41 of this Decree.

19. Summary of Proposed Changes of Water Rights. The Town requests the following changes to the Subject Water Rights be approved herein:

- 19.1 Direct Flow Rights. The direct flow rights will continue to be diverted during the direct flow irrigation season, April through October, the BTDMC rights will continue to be subject to the seasonal limitation included in the 1903 decree, and the Priority No. 1 Water Rights (Koenig, Gard, and Rodeffer) will continue to be subject to their respective contracts as well as the 1903 decree and the decree in Case No. CA- 6905 (the "Rodeffer decree"). These rights may be used on a direct flow basis and may be stored in any of the five reservoirs described in Paragraph 10, above, subject to the terms and conditions of this Decree. If stored, the water may be placed to beneficial use year around.
- 19.2 Storage Rights in the Reservoirs listed in Paragraph 10. The storage rights will each be stored at the respective reservoirs and administered as they have been historically. The storage rights will not be used on a direct flow basis. Subject to the terms and conditions of this Decree, the water may be used year around.
- 19.3 Changes in Type, Place, Manner, and Season of Use. Following acquisition by the Town, all water rights included herein may be used as described in Paragraphs 17 and 18, above, and this Paragraph 19.

20. The Town must identify and Declare to the Division Engineer in writing annually on or before May 30 of each year the shares, water rights, or portions of water rights subject to this Decree which (1) the Town plans to commit to the changed municipal use ("Declared shares" or "Declared water rights"); (2) the Town owns and plans to use or lease for irrigation; and (3) the Town has not yet acquired, and identify based on the map attached hereto as Exhibit A in which sectors depicted on the said map those shares have historically been used.

- 20.1 Declared shares or water rights may be leased for irrigation purposes, but the Town must still make all required return flows from such leased shares or portions of water right as required in this Decree.
- 20.2 The Town will annually identify and Declare on May 30 the shares, water rights, or portions of water rights subject to this Decree which the Town will use for non-potable irrigation of town parks or other areas outside of the historical Home Supply system and will identify the acreage on which said shares, water rights, or portions of water rights are intended to be used.

- 20.3 The Town must provide a copy of the annual Declaration to any Opposer upon request.
- 20.4 In any given year, the Town will not be allowed to use for municipal purposes any shares, water rights, or portions of water rights subject to this decree which have not been Declared for such purpose in that year in accordance with this paragraph. Such initial declaration, however, does not obligate the Town to use or continue to use such shares, water rights, or portions of water rights for municipal purposes if, due to unforeseen circumstances, the Town does not need the water supply associated with portions of its shares. The Town may lease such unneeded shares or water rights, if no portion of such share or water right has been used for municipal purposes, back for agricultural irrigation, subject, however, to Paragraphs 20.5, 20.6, and 20.7 below. This provision does not relieve the Town from its obligation to replace return flows from all Declared shares. If, due to unforeseen circumstances (e.g., lower yield of shares or water rights, drought, etc.), the Town determines it needs to Declare additional shares or water rights, the Town may make a supplemental Declaration on or before July 15 of shares which have not been put to agricultural irrigation during the same year. The Town shall replace historical return flows from the date of such supplemental Declaration.
- 20.5 The Town will not be allowed subsequently to Declare or use for municipal purposes shares, water rights, or portions of water rights of which any portion has been put to use for agricultural irrigation during the same year.
- 20.6 The Town cannot lease back for agricultural irrigation shares, water rights, or portions of water rights of which some portion has been put to municipal use during the same year.
- 20.7 Of the shares, water rights, or portions of water rights that have been Declared for municipal use at any time, no more than 20 percent of those shares, water rights, or portions of water rights may be leased back for agricultural irrigation in any given year.
- 20.8 The Town must Declare for municipal use a number or quantity of shares, water rights, or portions of water rights equal to or greater than the number or quantity of shares, water rights, or portions of water rights actually Declared for municipal use in the previous year.
- 20.9 The volumetric limits and return flow obligations set forth in this decree will be calculated based on the number or quantity of shares, water rights, or portions of water rights Declared for municipal use pursuant to this paragraph, rather than the number or quantity of shares actually used by the Town for such purpose.

20.10 Any of the Subject Water Rights previously Declared by the Town for municipal use and subsequently leased for irrigation use pursuant to this Decree, including shares or water rights whose use is changed by the July 15 date, above, will still be subject to the maximum and long-term or average limitations set forth in Paragraphs 23 and 24, below.

21. Diversions under the Subject Water Rights from the Big Thompson River will continue to be controlled by Home Supply and made during the times and at the point of diversion consistent with historical practices.

22. Each year Home Supply allocates a certain acre-foot amount of water to each Home Supply share that Home Supply can deliver to shareholders' headgates ("Storage Allocation Water"). In order to prevent enlarged use of the water rights and material injury to the owners and users of water under vested water rights and decreed conditional water rights, and as a term and condition of this decree, the storage rights associated with the Home Supply shares owned or to be acquired by the Town and included herein shall be subject to the following release limitations:

- 22.1 When the Town Declares a share(s) for municipal uses, the Declared Home Supply share(s) will be limited to the following combined storage releases from Home Supply's reservoir (Lone Tree, Mariano, and Lon Hagler, as described in Paragraphs 10.1, 10.2, and 10.3, above). Home Supply will have sole discretion from which reservoir(s) it will make such release for delivery of the Declared shares.
- 22.2 The maximum annual reservoir release limit, as opposed to the Storage Allocation Water described herein which is a delivery amount, of Storage Allocation Water for the Town's Declared shares subject to this Decree is 8.32 acre-feet per share from April 1 of each year until March 31 of the following year.
- 22.3 The maximum cumulative 30-year reservoir release of such shares is 192.9 acre-feet per share (an average of 6.43 acre-feet per share).
- 22.4 These release limits apply only to the first release from storage. Subsequent releases, such as after exchange to a different reservoir within the Home Supply system, will not count towards the release limitations.
- 22.5 Upon Declaration to municipal use, for purposes of determining this 30-year average, the Town will assume that the reservoir releases for such shares for the previous 29-years was 6.36 acre-feet per share per year.
- 22.6 For purposes of these release limits, releases from Mariano Reservoir are measured approximately 2.4 miles down ditch from the reservoir at UTM Zone 13, NAD, Easting 490562, Northing 4471390 and a ditch loss of 10% is applied to the measured release to obtain the volume of the Mariano Reservoir release. For example, the measured flows down ditch from the Reservoir are divided by 0.9 to



calculate the actual release from Mariano Reservoir. If, in the future, a measurement device is installed at the point of release from Mariano Reservoir, the Town will use that device to determine the quantity of reservoir releases from Mariano Reservoir.

23. In order to prevent enlarged use of the water rights and material injury to the owners and users of water under vested water rights and decreed conditional water rights, and as a term and condition of this decree, the direct flow water rights owned or to be acquired by the Town and included herein shall be subject to the following diversion limitations:

**Table 5**  
**Volumetric Limitations on Diversions of the Subject**  
**Home Supply and BTDMC Direct Flow Water Rights**  
**Upon Conversion to New Uses**

| <b>Shares</b> | <b>Total Shares in Home Supply Ditch</b> | <b>Total Shares in Case No. 20CW3011</b> | <b>Annual Limit (acre-feet per share)</b> | <b>30-Year Limit (acre-feet per share)</b> |
|---------------|------------------------------------------|------------------------------------------|-------------------------------------------|--------------------------------------------|
| Home Supply   | 2001                                     | 346.75                                   | 7.46                                      | 70.26                                      |
| BTDMC         | 18.664583                                | 1.26667                                  | 428.65                                    | 8,144.4                                    |

1. The volumetric limits are based on an analysis of historical diversions during the period 1950 through 1998.
2. Annual limits based on the historical maximum annual diversion.
3. 30-year volumetric limits based on the historical average annual diversions multiplied by 30.
4. These volumetric limits are based on diversions historically made from the stream system through the Home Supply headgate.
5. Only the direct flow priorities listed in Table 3 above are subject to the limitations set forth in this Table 5, and only as they are acquired by the Town. The Home Supply yields do not include any carriage charges assessed against private water rights by Home Supply.
6. 8.075 BTDMC shares owned by Home Supply are distributed pro rata to Home Supply shareholders and are included in and subject to the limits on shares of Home Supply set forth in this Table 5.
7. At such time as the diversion limit on the Subject Home Supply or BTDMC share Declared for municipal use is reached, the Town will not place an order with the Home Supply for delivery of such share until there is available diversions under the volumetric limits.

The volumetric limits listed in Table 5, above, will apply to any Home Supply or BTDMC shares at the time the Town Declares the shares for municipal use, per Paragraph 20, above.

24. The Court finds that the changes of water rights and determinations of historical use and historical consumptive use requested by the Town and described in detail in paragraphs 17, 18, and 19, above, should be approved, subject to all of the terms and conditions set forth above and

subject to the following terms and conditions that are necessary to prevent material injury to owners and users of water under vested water rights or decreed conditional water rights.

- 24.1 The Town may not use this decree to extend the historical seasons of diversion under the subject priorities from the Big Thompson River. However, through the use of storage within the Town's municipal system and the Home Supply system, use of the water diverted pursuant to the respective rights may occur year around.
- 24.2 The Town is entitled to consume no more than sixty percent (60%) of the deliveries of the direct flow river headgate diversions it receives at the locations listed in Paragraph 56, below, by virtue of its ownership of the subject interest in the shares of Home Supply or BTDMC stock. The Town may totally consume, by initial use, as well as reuse, successive use, or exchange, all of said sixty percent (60%). Except that the reuse, successive use, or exchange of LIRFs is subject to the requirements of Paragraph 41, below.
- 24.3 The Town is entitled to consume no more than sixty-five percent (65%) of the storage water received at the locations listed in Paragraph 56, below, from Home Supply's storage rights (Lone Tree, Mariano, and Lon Hagler Reservoirs, as described in Paragraphs 10.1, 10.2, and 10.3, above) pursuant to its ownership of shares of Home Supply stock. The Town may totally consume, by initial use, as well as reuse, successive use, or exchange, all of said sixty-five percent (65%). Except that the reuse, successive use, or exchange of LIRFs is subject to the requirements of Paragraph 41, below.
- 24.4 The amount of direct flow diversions at the river headgate attributable to each share of Home Supply stock Declared by the Town is subject to the volumetric limitations set forth in Table 6, below. The amount of direct flow diversions at the river headgate attributable to each share of BTDMC stock Declared by the Town is subject to the volumetric limitations set forth in Table 7, below.
- 24.5 The amount of direct flow diversions attributable to the Town's interest in the Priority No. 1 Water Rights are subject to the volumetric limitations set forth in Tables 8 and 9, below.

**Table 6**  
**CHSDRC Direct-Flow Volumetric Diversion Limits (Acre-Feet per Share Declared for New Uses)**

| Type               | Apr   | May  | Jun   | Jul   | Aug  | Sep  | Oct  | Annual |
|--------------------|-------|------|-------|-------|------|------|------|--------|
| Maximum            | 0.15  | 1.35 | 3.69  | 3.04  | 1.80 | 1.69 | 1.45 | 7.46   |
| 30-Year Cumulative | 0.22  | 9.74 | 34.81 | 15.83 | 2.50 | 3.93 | 3.24 | 70.26  |
| 29-Year Priming    | 0.002 | 0.29 | 1.07  | 0.44  | 0.02 | 0.08 | 0.06 | 2.17   |

1. 30-Year Cumulative limit is the 1950-1998 average diversion multiplied by 30.

**Table 7**  
**BTDMC Volumetric Diversion Limits (Acre-Feet per Share Declared for New Uses)**

| Type               | Apr   | May    | Jun    | Jul    | Aug  | Sep  | Oct  | Annual  |
|--------------------|-------|--------|--------|--------|------|------|------|---------|
| Maximum            | 37.04 | 176.38 | 178.52 | 80.86  | 0.00 | 0.00 | 0.00 | 428.65  |
| 30-Year Cumulative | 53.8  | 1840.1 | 4069.6 | 2180.9 | 0.00 | 0.00 | 0.00 | 8,144.4 |
| 29-Year Priming    | 0.58  | 57.37  | 134.17 | 72.42  | 0.00 | 0.00 | 0.00 | 266.06  |

1. 30-Year Cumulative limit is the 1950-1998 average diversion multiplied by 30.

**Table 8**  
**Early Koenig and Gard Volumetric Diversion Limits**  
**(Acre-Feet per CFS Declared for new uses)**

| Type               | Apr   | May   | Jun     | Jul   | Aug   | Sep  | Oct  | Annual |
|--------------------|-------|-------|---------|-------|-------|------|------|--------|
| Maximum            | 38.92 | 61.49 | 59.51   | 44.13 | 30.74 | 0.00 | 0.00 | 222.61 |
| 10-Year Cumulative | 29.49 | N/A   | N/A     | N/A   | N/A   | N/A  | N/A  | N/A    |
| 30-Year Cumulative | 88.5  | 934.9 | 1,518.3 | N/A   | N/A   | 0.00 | 0.00 | 4747.1 |
| 29-Year Priming    | 1.71  | 30.12 | 50.30   | N/A   | N/A   | 0.00 | 0.00 | 156.02 |

1. 10-Year cumulative limit is the 1950-1998 average diversion for April multiplied by 10.  
 2. 30-Year cumulative limit is the 1950-1998 average diversion multiplied by 30.

**Table 9**  
**Rodeffer Volumetric Diversion Limits**  
**(Acre-Feet per CFS Declared for new uses)**

| Type                      | Apr   | May   | Jun    | Jul   | Aug   | Sep    | Oct   | Annual  |
|---------------------------|-------|-------|--------|-------|-------|--------|-------|---------|
| <b>Maximum</b>            | 38.93 | 61.49 | 59.50  | 61.49 | 61.49 | 59.50  | 61.49 | 391.69  |
| <b>10-Yr Cumulative</b>   | 29.49 | N/A   | N/A    | N/A   | N/A   | N/A    | N/A   | N/A     |
| <b>30-Year Cumulative</b> | 88.5  | 934.9 | 1518.3 | N/A   | N/A   | 1536.4 | 787.1 | 8,489.5 |
| <b>29-Year Priming</b>    | 1.71  | 30.12 | 50.30  | N/A   | N/A   | 50.93  | 25.02 | 279.23  |

1. 10-Year cumulative limit is the 1950-1998 average diversion for April multiplied by 10.
2. 30-Year cumulative limit is the 1950-1998 average diversion multiplied by 30.

24.6 The Town is entitled to consume no more of the water received at the locations listed in Paragraph 56, below, by virtue of its ownership of the Priority No. 1 Water Rights changed herein than allowed by Exhibit D attached hereto. The Town may totally consume, by initial use, as well as reuse, successive use, or exchange, all of said consumable portion.

24.7 The total annual delivery limit at the locations listed in Paragraph 56, below, on the “Late” Koenig water changed herein is 173.2 acre-feet. The total annual delivery limit on the “Late” Gard water changed herein is 144.3 acre-feet.

24.8 Once any diversion or delivery limit on any of the Subject Water Rights is reached, the Town will no longer order delivery of any water from that share or portion of water right for the respective period related to the volumetric limit. The Town will not receive further credit from, nor will the Town owe further surface return flows for, the affected share or water right for the remainder of said period.

25. Home Supply maintains an accounting of water deliveries to shareholders and all private owners of water rights carried in Home Supply, including the Town, to ensure that each person or entity receives only a pro rata delivery of water attributable to Home Supply shares or the amount attributable to private ownership, based upon Home Supply’s actual yearly operations.

26. In order to assure that the volumetric diversion limits on the Town’s Declared Home Supply and BTDMC shares are not exceeded, the Town includes the following Mid-Month, Late-Month, and Seven-Day river headgate diversion limits related to the 30-Year Cumulative volumetric diversion limits on such shares, as decreed herein.

26.1 Additional limitations on Home Supply and BTDMC river headgate diversions during May 1-15 and June 1-15:

- 26.1.1 Mid-Month Limit. The Town will not divert more than the cumulative 30-Year Mid-Month Limit per share in Table 10 below for the Home Supply and BTDMC shares the Town Declares to municipal use prior to the sixteenth day of the applicable month, in any consecutive 30-year period. The Mid-Month Limits are the average per-share diversions for Home Supply and BTDMC shares during May 1-15 and June 1-15 during the 1950-1998 study period, multiplied by 30 years.
  - 26.1.2 29-Year Priming. For the purposes of determining the 30-Year cumulative diversions, upon Declaration to municipal use, the Town will assume that the diversions for the shares during the previous 29 years were the Mid-Month 29-Year Priming values shown in Table 10 below. The Mid-Month 29-Year Priming values are the 30-Year cumulative Mid-Month diversion limits minus the maximum recorded diversions during the first 15 days of May and the first 15 days of June during the 1950-1998 study period, divided by 29 years.
- 26.2 Additional Limitations on Home Supply and BTDMC river headgate diversion limits during May 16-31 and June 16-30:
- 26.2.1 Late-Month Limit. The Town will not divert more than the cumulative 30-Year Late-Month Limit per share in Table 10 below for the Home Supply and BTDMC shares the Town Declares to municipal use after the fifteenth day of the applicable month, in any consecutive 30-year period. The Late-Month Limits are the average per-share diversions for Home Supply and BTDMC shares during May 16-31 and June 16-30 during the 1950-1998 study period, multiplied by 30 years.
  - 26.2.2 Seven-Day Limit. Additionally, the Town will not divert the Late-Month Limit in fewer than any 7 consecutive days after the fifteenth day of the applicable month.
  - 26.2.3 29-Year Priming. For the purposes of determining the 30-year cumulative Late-Month diversions, upon Declaration to municipal use, the Town will assume that the diversions for the shares during the previous 29-years were the Late-Month 29-Year Priming values shown in Table 10 below. The Late-Month 29-Year Priming values are the 30-Year cumulative Late-Month diversion limits minus the maximum recorded diversions during May 16-31 and June 16-30 during the 1950-1998 study period, divided by 29 years.

**Table 10**  
**Home Supply and BTDMC Additional Volumetric Diversion Limits (Acre-Feet per**  
**Year per Share Declared for New Uses)**

| Limit                  | May 1-15<br>(Mid-Month) | May 16-31<br>(Late Month/<br>7-Day) | June 1-15<br>(Mid-Month) | June 16-30<br>(Late Month/<br>7-Day) |
|------------------------|-------------------------|-------------------------------------|--------------------------|--------------------------------------|
| <b>Home Supply</b>     |                         |                                     |                          |                                      |
| <b>30-Year</b>         | 1.492                   | 8.247                               | 15.588                   | 19.218                               |
| <b>29-Year Priming</b> | 0.037                   | 0.238                               | 0.454                    | 0.569                                |
| <b>BTDMC</b>           |                         |                                     |                          |                                      |
| <b>30-Year</b>         | 354.05                  | 1,486.03                            | 1,806.63                 | 2,262.95                             |
| <b>29-Year Priming</b> | 9.41                    | 47.96                               | 59.22                    | 74.96                                |

1. 30-Year Cumulative Limits are the 1950-1998 average diversions during the 1<sup>st</sup>-15<sup>th</sup>, and 16<sup>th</sup>-end of month, multiplied by 30.
2. 29-Year Priming values are the 30-Year Cumulative Limits minus the maximum diversion in the 1<sup>st</sup>-15<sup>th</sup>, and 16<sup>th</sup>-end of month during 1950-1998, divided by 29.

27. As determined in the decrees in Case No. 98CW410 and 06CW224, return flows from the use of the Subject Water Rights have accrued to either the Big Thompson River Basin or the Little Thompson River Basin. To prevent material injury to the vested rights of others, the Town has established five return flow sectors, as shown in Paragraph 35, below, to which returns may need to be made in the future administration of this decree. They are summarized as follows: (1) Big Thompson River upstream from the Hillsborough Ditch headgate; (2) Big Thompson River from the Hillsborough Ditch headgate to the Big Thompson and Platte River Ditch headgate; (3) Thornton Gulch Drainage, tributary to the Big Thompson River; (4) Chapman Reservoir drainage, tributary to the Big Thompson River; and (5) Little Thompson River. The sectors are shown on the map attached as Exhibit A. Exhibit B is a table that accompanies Exhibit A and displays historical ownership of shares in the Home Supply system. This table is updated from the same table contained in the Decrees in Case Nos. 98CW410 and 06CW224. Farms associated with the 346.75 Home Supply shares subject to this Decree that historically provided return flows to the respective return flow sectors are summarized below:



**Sector 1: Upstream of Hillsborough Ditch Headgate**

| Farm Name                                                  | Map ID No.   | # H.S. Shares |
|------------------------------------------------------------|--------------|---------------|
| Evans<br>Ranch/Bunker/Young (NW<br>Portion is in Sector 1) | 145          | 10.00         |
| Block/Radford                                              | 302          | 2.00          |
| Stephens                                                   | 307          | 8.00          |
| Bader farm                                                 | 316          | 14.00         |
| Hodge                                                      | 324          | 1.00          |
| McMillan                                                   | 327          | 2.00          |
| K&B Home                                                   | 329          | 1.00          |
| Gibson                                                     | 330          | 2.00          |
| Lenart                                                     | 338          | 2.00          |
| Trindle                                                    | 340          | 10.00         |
| Hopkins<br>(Hopkins/Roitsch/<br>Moneypenny)                | 407          | 0.50          |
|                                                            | <b>Total</b> | <b>52.5</b>   |

**Sector 2: Below Hillsborough Ditch Headgate**

| Farm Name                       | Map ID No.   | # H.S. Shares |
|---------------------------------|--------------|---------------|
| Bath                            | 318          | 6.00          |
| Daily                           | 319          | 5.00          |
| Valliere                        | 335          | 3.00          |
| Rocky Mtn Fuel                  | 345          | 12.50         |
| Jason and Mathew Diaz (Berling) | 354          | 3.00          |
| Roger & Diane Pilant            | 370          | 1.00          |
| Laune                           | 390          | 13.00         |
| Ryan                            | 396          | 6.00          |
| Hoover/Smith                    | 400          | 1.00          |
| Mountain View Farms Inc.        | 408          | 3.00          |
| Tom Morroni (VMJ)               | 414          | 2.00          |
|                                 | <b>Total</b> | <b>55.50</b>  |

**Sector 3: Thornton Gulch Drainage**

| Farm Name                         | Map ID No.   | # H.S. Shares |
|-----------------------------------|--------------|---------------|
| Sauer (John Sauer Sr., LLC)       | 203          | 7.00          |
| G. Hamilton                       | 215          | 20.00         |
| Purvis (NE Corner 60/Colo. Blvd.) | 386          | 11.00         |
| Mario Herrera (K. Miller)         | 411          | 1.0           |
|                                   | <b>Total</b> | <b>39.00</b>  |

**Sector 4: Chapman Reservoir Drainage**

| Farm Name                                            | Map ID No.   | # H.S. Shares |
|------------------------------------------------------|--------------|---------------|
| T. Schrage                                           | 123          | 1.00          |
| Elmquist Brothers                                    | 124          | 9.00          |
| Peterson (N. portion is in Sector 4)                 | 125          | 12.00         |
| J. Gentry                                            | 137          | 7.00          |
| Hale/Kasubke/Olson farm                              | 321          | 3.00          |
| Evans Ranch/Bunker/Young (SE Portion is in Sector 4) | 145          | 14.00         |
|                                                      | <b>Total</b> | <b>46.00</b>  |

**Sector 5: Little Thompson River**

| Farm Name                                                            | Map ID No.   | # H.S. Shares |
|----------------------------------------------------------------------|--------------|---------------|
| Terry Kennedy (Snow)                                                 | 110          | 8.00          |
| Miller Ventures                                                      | 113          | 1.00          |
| Kross (Miller Ventures)                                              | 113          | 5.00          |
| Peterson (S. Portion is in Sector 5)                                 | 125          | 17.00         |
| R.B. Fickel, DDS                                                     | 136          | 2.75          |
| Lawrence & Mary Starck                                               | 140          | 1.00          |
| H. Smith                                                             | 141          | 2.00          |
| Keto                                                                 | 213          | 24.00         |
| Sam Clark                                                            | 216          | 2.00          |
| Sauer Whitehall, LLC                                                 | 217          | 13.00         |
| Mathews                                                              | 310          | 2.00          |
| Sauer West, LLC                                                      | 373          | 22.00         |
| Held/Vail                                                            | 374          | 2.00          |
| Fickel.                                                              | 376          | 28.00         |
| Mayo (Winders)                                                       | 380          | 5.00          |
| Gary Baird (Betz)                                                    | 382          | 3.00          |
| Paul Nelson (Ballfields)                                             | 387          | 3.00          |
| Joseph Rutledge (Soleta) ("South Dunklee Farm")                      | 412          | 3.00          |
| Ludlow (Leased to Home Supply farmers in exchange for Handy shares.) | 503          | 10.00         |
|                                                                      | <b>Total</b> | <b>153.75</b> |

28. Return flows from the Town's municipal service area occur from outside municipal uses such as lawn and park irrigation and from the Low Point, Johnstown Central, and Berthoud Regional wastewater treatment facilities ("WWTF"). The water made available to the Town will be delivered through the Home Supply system and will be used through the Town's municipal water system. WWTF return flows available for credit against the Town's return flow obligations under this Case as well as Case Nos. 90CW202, 98CW410, 06CW224, 07CW14, and 14CW3160 shall be calculated as follows:

- a. **Daily Reusable Percentage** = Daily Volume of Treated Reusable Water ÷ Total Daily Volume of Treated Water.
- b. **Reusable Water** = Water derived from Home Supply, BTDMC, and Priority No. 1 water rights changed in Case Nos. 90CW202, 98CW410, 06CW224, 14CW3160, or 20CW3011, and any future decree obtained by the Town, the return flows from which may be claimed and used as credit against the Town's

return flow obligations (or other entity's return flow obligations by appropriate agreement and/or adjudication).

- c. **Daily Base Use:** determine the base use for its municipal customers, which will be the average Daily Indoor Use for the immediately preceding winter months of December, January, and February.
- d. **Daily Indoor Use:**
  - December-February = Previous day's Total Volume of Treated Water.
  - March-November = Minimum of 1) Base Use, or 2) Previous day's Total Volume of Treated Water
- e. **Daily Outdoor Use** = Total Volume of Treated Water minus the Daily Indoor Use. No credit for outdoor use may be taken for the months of December, January, and February.
- f. **Daily Reusable Indoor Use** = Daily Indoor Use multiplied by the previous day's Daily Reusable Percentage.
- g. **Daily Reusable Outdoor Use** = Daily Outdoor Use multiplied by the Previous day's Daily Reusable Percentage.
- h. **WWTF Effluent Attributable to Non-Town Water Providers:** The Town treats a small amount of wastewater at its Low Point WWTF from water users served by the Little Thompson Water District. The Town may also treat wastewater for other Non-Town Water Providers in the future ("Non-Town Water Providers") at its WWTFs. The portion of the treated effluent attributable to the Non-Town Water Providers shall be removed from the calculation of the Town's effluent return flows. The Town is not obligated under this Decree to calculate a Non-Town Water Provider's share of the WWTF effluent. The daily WWTF effluent attributable to Non-Town Water Providers shall be provided by that Provider to the Town by agreement and/or computed in accordance with the methodologies established in the Non-Town Water Providers' respective Decrees, or in the absence of a Decree, the Non-Town Water Providers' influent to the Town's WWTFs may be measured. Until such time as influent measurement or detail on the computation of Non-Town Water Providers' effluent in agreements or Decrees is provided, the Town will calculate the Non-Town water users' indoor use (as calculated per Paragraph 28.d, above) multiplied by 90%. The Town shall update its accounting by April 15 of each year to account for the WWTF effluent volume provided by and attributable to Non-Town Water Providers. Until such time as this metered water use data is provided by a Non-Town Water Provider, either by agreement with the Town or in accordance with a

decree, the Town will continue to use the previous year's indoor use by said Non-Town Water Provider.

- i. **Daily Town Effluent at Low Point and Johnstown Central WWTFs ("Town WWTFs")** = The lesser of 1) the Town's Daily Indoor use for the previous day proportioned by the number of Town water taps returning wastewater to the WWTF divided by the total number of Town water taps served by WWTFs, multiplied by 90%, or 2) the daily measured effluent from each WWTF minus the WWTF effluent attributable to Non-Town Water Providers at the WWTF, calculated as described in Paragraph 28.h. above. In no single day shall the Town's portion of a WWTF effluent exceed the total physical effluent of the WWTF on that day. If the Town's wastewater influent to the Town WWTFs is measured in the future, the following equation may be used in place of the equation in part (2), above: the Town's daily measured wastewater effluent from the Town's WWTF will be determined as the Town's measured wastewater influent to the Town WWTF divided by the total wastewater influent to the Town WWTF multiplied by the total daily effluent.
- j. **Daily Town Effluent at Berthoud WWTFs:** The Town may send wastewater to the Berthoud Regional WWTF in the future. The Daily Town Effluent at the Berthoud Regional WWTF will be equal to the lesser of 1) the Town's Daily Indoor use for the previous day, proportioned by the number of Town water taps returning wastewater to the Berthoud Regional WWTF divided by the total number of Town water taps served by WWTFs, multiplied by 90%, or 2) the Town's daily measured effluent from the Berthoud Regional WWTF. The Town's daily measured effluent from the Berthoud Regional WWTF will be determined as the Town's measured wastewater influent to the Berthoud Regional WWTF divided by the total wastewater influent to the Berthoud Regional WWTF multiplied by the total daily effluent. Until such time as the Town's wastewater influent to the Berthoud Regional WWTF is measured, the Town will calculate its proportional effluent at the Berthoud Regional WWTF using part 1) of the equation in this paragraph. In no single day shall the Town's portion of the Berthoud Regional WWTF effluent exceed the total physical effluent of the Berthoud Regional WWTF on that day.
- k. **Daily Reusable Effluent** = The Daily Town Effluent multiplied by the previous day's Daily Reusable Percentage.

29. The Town can replace return flow obligations attributable to the Subject Water Rights from the following locations, or at such other locations as necessary to replace return flows above the calling water right affecting the relevant return flow sector:

29.1 Return Flow Points to the Big Thompson River Drainage:

- 29.1.1 Mariano Outlet Canal. This facility is owned by Home Supply and delivers water from Mariano (a/k/a Boedecker) Reservoir to the Big Thompson River at a point located in the SW1/4 of Section 15, Township 5 North, Range 69 West of the 6<sup>th</sup> P.M., Larimer County, Colorado. (UTM Zone 13, NAD, Easting 490457, Northing 4471934.)
- 29.1.2 Low Point WWTF. The Low Point Wastewater Treatment Facility discharges treated effluent to the Big Thompson River at a point in the NW1/4NW1/4 of Section 24, Township 5 North, Range 68 West of the 6<sup>th</sup> P.M., Larimer County, Colorado. (UTM Zone 13 NAD 83, Easting 503416, Northing 4471195.)
- 29.1.3 Home Supply Ditch and Johnstown Reservoir. Returns can be made from the Home Supply Ditch to the Chapman Reservoir Basin and the Thornton Gulch. Returns can also be made from Johnstown Reservoir to the Thornton Gulch.
- 29.1.3.1 Returns to Thornton Gulch, when Thornton Gulch water rights are placing valid, administered calls can be made through the turnout from Johnstown Reservoir to the Home Supply lateral that can deliver water to Thornton Gulch. This turnout from Johnstown Reservoir is located in the SW1/4SW1/4 of Section 1, Township 4 North, Range 68 West, 6th P.M. (UTM Zone 13, NAD 83, Easting 503505, Northing 4465209).
- 29.1.3.2 Releases from Chapman Reservoir can be made down the Gard Lateral to a point in the NE1/4SW1/4 of Section 22, Township 5 North, Range 68 West, 6th P.M. (UTM Zone 13, NAD 83. Easting 500515, Northing 4470520) where one branch of the Gard Lateral crosses under Interstate 25, then down the borrow ditch on the east side of the Interstate to the Hillsborough Ditch.,
- 29.1.3.3 To shepherd water released from Chapman Reservoir to the Big Thompson River for return flow obligations, the Town will divert the water out of the Hillsborough Ditch into the existing Thompson River Ranch pipeline and convey it to the Big Thompson River. The turnout for the pipeline is located on the Hillsborough Ditch in the SE1/4NE1/4 of Section 22, Township 5 North, Range 68 West, 6th P.M. (UTM Zone 13, NAD 83. Easting 501384, Northing 4470905). The release to the river is located in the NE1/4NW1/4 of Section 23, Township 5 North, Range 68 West, 6th P.M. (UTM Zone 13, NAD 83. Easting 502193, Northing 4471177).



29.1.3.4 The Town must secure a separate agreement with the Consolidated Hillsborough Ditch Company for the carriage and release of water from Chapman Reservoir and no such right is granted by this Decree.

29.1.4 In the future, the Town may install an augmentation station on the south side of the Big Thompson River in Section 2, Township 5 North, Range 70 West, 6<sup>th</sup> P.M., Larimer County, Colorado. The Town must secure separate agreements or easements with the then current landowners and Home Supply prior to any construction.

29.2 Return Flow Points to the Little Thompson River Drainage:

29.2.1 Town of Johnstown Central WWTF. The Town presently discharges treated effluent to the Little Thompson River in the NE/4NE/4 of Section 10, Township 4 North, Range 57 West of the 6th P.M., Colorado, a short distance upstream from its confluence with the Big Thompson River. (UTM Zone 13, NAD 83, Easting 510960, Northing 4464778.)

29.2.2 Berthoud Regional WWTF. The Town may in the future treat portions of its wastewater at the Berthoud Regional WWTF (aka “Crosspoint”), which discharges to the Little Thompson River in the SW1/4 of Section 14, Township 4 North Range 68 W., 6th P.M. (UTM Zone 13, NAD 83, Easting 502500, Northing 4461935.) The Town may also receive credit for fully consumable effluent discharged at this point (as well as other points) pursuant to a Return Flow Intergovernmental Agreement.

30. As part of the Town’s water accounting system, the Town will monitor water usage, treated wastewater returns and other measured industrial return flows from any industrial users connected to the Town’s water system who may in the future operate separate wastewater treatment systems, and from all of the Town’s own present or future wastewater treatment facilities. The accounting must ensure sufficient return flows from the Town’s overall water system so that the consumptive use of the Town’s water rights changed in this proceeding does not exceed the respective percentages set forth in paragraphs 14 and 24, above.

31. If the Town seeks to add a new WWTF or new industrial return flow as an approved return flow location for the Subject Water Rights, the Town will provide notice to the Opposers. Such notice must be filed with the Water Court under the above-styled caption and case number and must be served on the Division Engineer for Water Division No. 1 and on counsel of record for all parties who have appeared herein. The notice shall include a description of the proposed WWTF, the proposed methodology for calculating the amount of effluent to be discharged from the WWTF to replace return flow obligations, and the location where effluent will be discharged. If any person wishes to object to the addition of the new WWTF to replace return flows pursuant to this decree, a written objection must be filed with the Court within 91 days after the date the notice was given by the Town. The Town shall not use the new WWTF to replace return flows

pursuant to his decree until the deadline for objections has passed, and, if any party files an objection, the Water Court resolves the objection and approves use of the new WWTF. The burden of proof in any proceeding on such objection will be on the Town to prove that using the proposed WWTF will not cause injury to other water users.

32. Conditional Retention of Return Flow Storage Rights.

32.1 The Town has requested an independent conditional appropriation equal to the amount of the historical irrigation return flow obligations for the Subject Water Rights as described below. The return flow component of the Subject Water Rights changed in this decree is diverted from the Big Thompson River under the Subject Water Rights' priorities at the headgate of the Home Supply Ditch and the George Rist Ditch and delivered to storage. For the duration that there are no calling water rights senior to January 31, 2020 located at or downstream of the historical return flow location(s), the relevant quantity of return flow obligation water need not be released to replicate the historical return flow pattern to prevent injury to water rights that historically benefitted from such return flows. If there are calling water rights affecting the Big Thompson River downstream of the reservoir release location(s), capable of diverting and using such water, senior to January 31, 2020, the Town will release the appropriate quantity of waters of the State to the Big Thompson River in a reasonable timeframe and in coordination with the water commissioner. In the absence of such unsatisfied senior rights downstream of the release location(s), the Town may retain such water for the beneficial uses described below. The Town acknowledges and agrees that it cannot place a call to curtail diversions on the Big Thompson River to satisfy this water right.

32.1.1 Date of Appropriation: January 31, 2020.

32.1.2 Amount of Appropriation: All return flows under this Decree then in priority, based upon the shares, water rights and portions of water Declared for municipal use at the time the conditional appropriation is in priority, up to an annual maximum of the following:

32.1.2.1 Home Supply: 3.9861 acre-feet per Declared share.

32.1.2.2 BTDMC: 112.85 acre-feet per Declared share.

32.1.2.3 Early Koenig: 94.39 acre-feet per Declared cfs.

32.1.2.4 Early Gard: 90.96 acre-feet per Declared cfs.

32.1.2.5 Late Koenig: 60.62 acre-feet.

32.1.2.6 Late Gard: 50.51 acre-feet.

32.1.2.7 Rodeffer: 156.68 acre-feet per Declared cfs.

32.1.3 Location of Structure(s): Reservoirs listed in Paragraph 10, above.

32.1.4 Use: All uses decreed for the changes Subject Water Rights listed herein.

32.1.5 Point of Diversion: For purposes of the subject storage water rights, the Town will “divert” by withholding from release all or a portion of the return flow component of the Subject Water Right previously delivered into the reservoirs listed in Paragraph 10, above, whenever the storage right is in priority.

32.1.6 Source: For the purposes of the Division Engineer’s tabulation, the source is the location where releases are made from each reservoir to the Big Thompson River.

32.1.7 Use of Multiple Reservoirs: Each claim to retain and store the return flow component of the Subject Water Right in a separate reservoir is considered one water right, to be declared absolute separately and independently from other claims to retain and store return flows.

32.2 Nothing herein is intended to grant or shall be construed as permission to store or appropriate water rights in structures owned by Home Supply, including the reservoirs referenced above.

32.3 Said conditional right is granted by the Court and may be exercised by the Town when in priority.

33. Return Flow Obligation. In order to prevent material injury to the vested rights of others, the Town will use the actual daily deliveries of the Home Supply and BTDMC direct flow water to calculate the daily surface water returns required for such direct flow water rights. Surface water returns of at least twenty percent (20%) must be made daily with respect to such direct flow water. This condition will apply to all return flow sectors. Return flow from direct flow Priority No. 1 Water Rights are calculated in accord with Exhibit D. The ground water returns from direct flow water and the surface water and ground water returns from storage water shall be made in accordance with Tables 11 and 12, below, and Exhibit D, for all return flow sectors identified in Paragraph 27, above. The daily return flow obligations for any return flow factor specified as a monthly volume will be quantified by dividing the monthly return flow obligations by the number of days in each respective month.

34. Timing of Return Flows.

34.1 Returns from Direct Flow Water Rights. Under the historical agricultural return flow pattern, 50% of the returns from the direct flow water rights of the Subject Water Rights were ground water returns, and, due to the lag effects of the aquifer,

such returns were delayed in time. In the future, the Town will replace the ground water returns in accordance with Tables 11 and 12, below, and Exhibit D, depending on the appropriate return flow sector. Surface water returns from direct flow water rights shall be made in the same calendar month as the diversion from the stream.

- 34.2 Returns from Water Storage Rights. Under the historical agricultural return flow pattern, 50% of the returns from water storage rights of the Subject Water Rights were ground water returns, and, due to the lag effects of the aquifer, such returns were delayed in time. Surface water returns from storage water rights have been variable in time based upon agricultural irrigation practices and hydrologic conditions. In order to prevent material injury to vested water rights, the Town will replace the historical surface water and ground water returns in accordance with Tables 11 and 12, below, and Exhibit D, depending on the appropriate return flow sector.
- 34.3 The Town will replace its return flow obligations under this Decree on a daily basis. The Town may aggregate its daily return flow obligations up to a weekly basis during the non-irrigation season if approved by the Water Commissioner or Division Engineer.
- 34.4 For purposes of Table 11 Part B – D and Table 12 Part B, below, daily obligations are calculated by taking the monthly obligation and divided by the number of days per month.

**Table 11**  
**Home Supply Return Flow Factors for Big Thompson River Basin and**  
**Little Thompson River Basin**

**Part A. Direct Flow Surface Return Flow Factors as a Percentage of Actual Daily Deliveries<sup>2</sup> April Through October:**

| April | May | June | July | August | September | October |
|-------|-----|------|------|--------|-----------|---------|
| 20%   | 20% | 20%  | 20%  | 20%    | 20%       | 20%     |

**Part B. Reservoir Surface Return Flow Factors in Acre-feet Per Share Declared<sup>1</sup>.**

| January | February | March | April | May | June | July |
|---------|----------|-------|-------|-----|------|------|
|---------|----------|-------|-------|-----|------|------|

<sup>2</sup> For purposes of Table 11, Part A, “deliveries” shall mean direct flow water attributable to the shares and water rights changed herein and Declared for municipal use that is delivered to and measured into the Town’s water treatment plant(s) or other place of use and direct flow water attributable to such shares delivered to and measured into reservoirs under the Home Supply system or any other reservoir used by the Town; provided, however, that such stored water which is later conveyed to the Town’s water treatment plant(s) or other place of use shall not again be counted as a “delivery.”

|        |           |         |          |          |               |        |
|--------|-----------|---------|----------|----------|---------------|--------|
| 0.000  | 0.000     | 0.000   | 0.0109   | 0.0232   | 0.0745        | 0.3709 |
| August | September | October | November | December | <b>Total</b>  |        |
| 0.3310 | 0.0872    | 0.0072  | 0.000    | 0.000    | <b>0.9048</b> |        |

1. These factors apply for each Home Supply share that has been Declared for municipal use, regardless of whether water is delivered from storage. Part B and Part C return flow factors based on 1950 through 1998 study period.

**Part C. Combined Return Flow Factors for Direct Flow Sub-surface and Reservoir Sub-surface Return Flows in Acre-Feet Per Share Declared:**

|         |           |         |          |          |               |        |
|---------|-----------|---------|----------|----------|---------------|--------|
| January | February  | March   | April    | May      | June          | July   |
| 0.1326  | 0.1326    | 0.1326  | 0.1326   | 0.1326   | 0.1326        | 0.1326 |
| August  | September | October | November | December | <b>Total</b>  |        |
| 0.1326  | 0.1326    | 0.1326  | 0.1326   | 0.1326   | <b>1.5912</b> |        |

**Part D. Combined Return Flow Factors for Sub-surface Direct Flow Return Flows Plus Total Reservoir Return Flows in Acre-Feet Per Share Declared (Sum of Return Flow Factors in Parts B and C):**

|         |           |         |          |          |               |        |
|---------|-----------|---------|----------|----------|---------------|--------|
| January | February  | March   | April    | May      | June          | July   |
| 0.1326  | 0.1326    | 0.1326  | 0.1435   | 0.1558   | 0.2071        | 0.5035 |
| August  | September | October | November | December | <b>Total</b>  |        |
| 0.4636  | 0.2198    | 0.1398  | 0.1326   | 0.1326   | <b>2.4961</b> |        |

**Table 12**  
**BTDMC Return Flow Factors for**  
**Big Thompson River Basin and Little Thompson River Basin**

**Part A. Direct Flow Surface Return Flow Factors as a Percentage of Actual Daily Deliveries<sup>3</sup> April through July:**

|       |     |      |      |
|-------|-----|------|------|
| April | May | June | July |
| 20%   | 20% | 20%  | 20%  |

<sup>3</sup> For purposes of Table 12, “deliveries” shall mean direct flow water attributable to the shares and water rights changed herein and Declared for municipal use that is delivered to and measured into the Town’s water treatment plant(s) or other place of use and direct flow water attributable to such shares delivered to and measured into reservoirs under the Home Supply system or any other reservoir used by the Town; provided, however, that such stored water which is later conveyed to the Town’s water treatment plant(s) or other place of use shall not again be counted as a “delivery.”

**Part B. Return Flow Factors for Sub-surface Return Flows in Acre-feet Per Share Declared:**

|         |           |         |          |          |       |      |
|---------|-----------|---------|----------|----------|-------|------|
| January | February  | March   | April    | May      | June  | July |
| 2.26    | 2.26      | 2.26    | 2.26     | 2.26     | 2.26  | 2.26 |
| August  | September | October | November | December | Total |      |
| 2.26    | 2.26      | 2.26    | 2.26     | 2.26     | 27.12 |      |

The return flow amounts and locations of the Priority No. 1 Water Rights being changed herein are contained in Exhibit D, attached hereto.

35. Under the administration of the Water Commissioner, the Town must ensure that return flow obligations are replaced to the basins in which the water historically was used. If there is a downstream water right in priority and with a valid call in either the Chapman Reservoir basin, the Thornton Gulch Drainage basin, or the Little Thompson River basin, the appropriate returns shall be made to the appropriate basin at or above the point of diversion of that water right and for the duration of the valid call. Except for such internal calls, it will generally be sufficient for the Town to provide return flows downstream of the place of historical return, so long as the location is above any calling water right, due to the administration of calls and bypass flows within Water District No. 4. Required returns to the Big Thompson River must be made so as to benefit the Big Thompson and Platte River Ditch, the headgate of which is located in the NE1/4 of Section 4, Township 4 North, Range 67 West of the 6th P.M., Weld County, Colorado; provided, however, that return flow replacements associated with parcels in Sector 1 must be made above the headgate of the Hillsborough Ditch or above the Big Barnes Ditch and the Greeley and Loveland Canal headgates when those ditches are the calling rights.

36. In order to provide sufficient return flows, the Town may utilize return flows from its municipal system related to water rights involved in this proceeding as well as from previously changed water rights in Case Nos. 90CW202, 98CW410, 06CW224, 07CW14, and 14CW3160.

37. The Town may also use the conditional right decreed in Paragraph 32, above, lawn irrigation return flows, or by releasing previously stored water that is decreed for augmentation or replacement uses directly to the appropriate return flow sector to replace any deficiency. The Town may also release one or more of the following replacement supplies:

37.1 Replacement Supplies of the City of Loveland, as described in Exhibit E. The Town does not currently own, lease, or have an agreement to use the replacement supplies listed in Exhibit E. Prior to claiming any return flow replacement from the replacement supplies listed in Exhibit E, the Town must enter into an agreement with the City of Loveland for the acquisition, lease, or right to use said sources, and serve a Notice of Use pursuant to Paragraph 38 below.

37.2 Replacement Supplies of the Little Thompson Water District, as described in Exhibit F. The Town does not currently own, lease, or have an agreement to use



the replacement supplies listed in Exhibit F. Prior to claiming any return flow replacement from the replacement supplies listed in Exhibit F, the Town must enter into an agreement with the Little Thompson Water District for the acquisition, lease, or right to use said sources, and serve a Notice of Use pursuant to Paragraph 38 below.

- 37.3 Replacement Supplies of the Town of Berthoud, as described in Exhibit G. The Town does not currently own, lease, or have an agreement to use the replacement supplies listed in Exhibit G. Prior to claiming any return flow replacement from the replacement supplies listed in Exhibit G, the Town must enter into an agreement with the Town of Berthoud for the acquisition, lease, or right to use said sources, and serve a Notice of Use pursuant to Paragraph 38 below.

38. Notice of Use - Return Flow Replacement Structures and Sources. At the time of this Decree, the Town does not have the right to use the structures located at the return flow replacement locations listed in paragraphs 37.1 through 37.3, above. Prior to the Town's use of any such return flow replacement structures or return flow replacement supplies, the Town must serve a Notice of Use to all parties in this case and provide such notice to the Division Engineer. The Notice of Use shall: (i) set forth the basis upon which the Town has the right to use the subject return flow replacement structures or return flow replacement supplies; (ii) include a copy of any documents by which the Town has obtained such rights of use; (iii) identify the return flow replacement supplies listed in Paragraph 37.1 through 37.3 above that will be delivered through any return flow replacement structure that is the subject of the Notice of Use; (iv) identify the location(s) listed in Paragraph 37.1 through 37.3 above where any return flow replacement supply that is the subject of the Notice of Use will be delivered to the stream; (v) for any return flow replacement supply that is identified in this Decree as currently not decreed for use to replace return flows under this Decree, a copy of the water court decree changing the replacement supply to allow such use; and (vi) for any replacement structure that is identified in this decree as planned rather than existing, evidence that the structure has been constructed, and has been approved in writing by the Division Engineer for use to deliver water to the stream. The notice provided to the Division Engineer shall also include revised accounting that integrates the subject return flow replacement structures or return flow replacement supplies.

39. The Water Court will retain jurisdiction over future claims of injury due to the use of additional return flow replacement structures and sources described in Paragraph 38 pursuant to paragraph 64.3, below.

40. The Town has the obligation to provide return flows to Thornton Gulch above any water rights decreed in Case Nos. 98CW453 and 98CW454 only when such water rights are in priority and legally entitled to the water.

41. The Town's engineering consultant estimated the return flows from the irrigation of lawns and parks served by the Town's municipal water supply system, but the Town did not complete a detailed quantification of municipal lawn irrigation return flows ("LIRFs"). In the interests of compromise and settlement, the Parties to this case agree that, for a temporary period of ten years

following the date of a final, non-appealable decree in this case, the Town is entitled to claim credit for municipal lawn irrigation return flows from the Subject Water Rights under this decree using the methodology described below. After ten years from the date this Decree is entered, no further credit for municipal lawn irrigation return flows will be claimed by the Town from the use of the Subject Water Right in this decree, unless the Town has adjudicated a separate decree of this Court approving such quantification.

41.1 Calculations. The Town will: (1) determine daily reusable outdoor use based on Paragraph 28(g), above, (2) calculate a reusable lawn irrigation ground water return flow credit of 7.0% of the monthly sum of the daily reusable outdoor use for months in which no watering restrictions are imposed by the Town. If the Town has implemented outdoor watering restrictions, the groundwater return flow credit shall be 4.0% for the months in which the watering restrictions are imposed; (3) calculate a reusable lawn irrigation surface water return flow credit of 1% of daily reusable outdoor use; and (4) If the Town imposes an outdoor water use ban, both the ground water return flow credit and surface water return flow credit from outdoor water use shall be 0% for the months in which the outdoor water use ban is in effect (5) surface return flows will be credited in the same month the water was delivered to irrigation use and groundwater return flows will be lagged evenly for 12 months starting with the month of irrigation application; and (6) the daily reusable LIRF credit will be computed by dividing the monthly sum of the surface water and groundwater return flow credit by the number of days in the month.

41.2 Methodology:

41.2.1 The reusable outdoor use calculation will only include reusable outdoor municipal irrigation use located within the Town's service area within the historical Home Supply Ditch irrigated area, in return flow sectors 2, 3, and 5. The reusable lawn irrigation ground water and surface return flow credits will be apportioned to the Home Supply Ditch return flow sectors 2, 3, and 5 based on the number of municipal taps within each sector divided by the total number of municipal taps within the Town's service area.

41.2.2 The Town must also secure approval from the Division Engineer of appropriate accounting for lawn irrigation return flows prior to taking such credits under this Paragraph 41. Such accounting must include allocation of return flow credits to the local basins in which the property is located. To the extent the Town claims credit for lawn irrigation return flows derived from irrigation with reusable raw water, raw water and treated water deliveries must be separately reported in the Town's accounting.

41.2.3 Unless another methodology is substituted by decree of the Water Court, the methodology described in this Paragraph 41 must be used for the 10

years following the date of a final unappealable decree in this case. Following such date, the Town may only use lawn irrigation return flows from the Subject Water Rights in accordance with a separate decree of the Water Court.

41.3 Future LIRF Quantification. Any future quantification of the Subject Water Rights LIRFs must, at a minimum, include the following:

- 41.3.1 Determination of the Town's service area from which LIRFs are calculated;
- 41.3.2 Analysis of outdoor water use from a representative random sample of single-family, multi-family, commercial, and irrigation accounts;
- 41.3.3 Delineation of irrigated areas and computation of seasonal irrigation application depth;
- 41.3.4 Seasonal effective precipitation to compute the gross application depth;
- 41.3.5 Computation of the seasonal potential consumptive use for turf grass;
- 41.3.6 Application of the Cottonwood Curve, attached as Exhibit C, to the ratio of the net application depth divided by the seasonal potential consumptive use to compute the deep percolation percentage of water applied;
- 41.3.7 Reduction of the deep percolation percentage by the percentage of the irrigated area that is overlain by tree canopy;
- 41.3.8 Application of the adjusted deep percolation percentage to the irrigation water application to compute the seasonal deep percolation volume;
- 41.3.9 Computation of a weighted-average deep percolation percentage based on the sum of the adjusted deep percolation volumes divided by the sum of the irrigation water application volumes for the sampled account of each account type;
- 41.3.10 Application of a statistical adjustment to reduce the weighted average adjusted deep percolation percentage to ensure with 95% confidence that it does not exceed the deep percolation percentage for the entire population of accounts;
- 41.3.11 Development of factors to reduce deep percolation factors when watering restrictions are in effect;

41.3.12 Development of unit response functions to compute the timing of accrual of subsurface return flows to the river using analytical procedures (e.g., Glover) or groundwater modeling;

41.3.13 Verification of a surface hydraulic connection between the places of irrigation and the river, and that LIRFs from surface runoff are not intercepted by ditches, lakes, or reservoirs;

41.3.14 Development of a process to update the deep percolation factors and subsurface return flow timing every five years; and,

41.3.15 Identification of surface and subsurface return flow accrual locations.

To the extent the Town claims credit for lawn irrigation return flows derived from irrigation with raw water, raw water and treated water deliveries will be separately reported in the Town's accounting.

41.4 Time, Location, and Amount. The Town must account for the replacement of its return flow obligations attributable to the Subject Water Rights in time, place, and amount and may not assume that its municipal return flows meet all return flow obligations.

41.5 Retained Jurisdiction. The Town may file a new application in the Division 1 Water Court to determine or confirm the credit for return flows from lawn irrigation and other outside uses under this decree. Any such final decree will replace and supersede the provisions of Paragraph 41.2, above.

41.6 Reuse. Any plan for reuse, successive use or exchange of lawn irrigation return flows, other than for replacement of return flows as described above, will be subject to future administrative or judicial approval.

42. In order to assure adequate dry-up of previously irrigated acres under the Home Supply system as shares and water rights are changed and converted to non-irrigation purposes to assure there is no injury to existing water rights, the Town will take the following actions:

42.1. Within one year after entry of the final decree in this case, the Town will prepare a proposed baseline map and report of all previously dried-up lands (the "Baseline Dry-Up Map and Report"), including all necessary shapefiles and supporting information for designating such lands as dried-up. The Town will serve this information on all Parties to this case. Any Party may serve comments to the draft Baseline Dry-Up Map and Report within 63 days after it is served on the Parties. In addition, the Baseline Dry-Up Map and Report will, at a minimum, include the following:

42.1.1 A list and map showing:

42.1.1.1 The baseline effective Home Supply system irrigated acreage for water rights and shares carried in the Home Supply system, including private water rights (e.g., Loveland's Gard water right changed in Case No. 07CW325, the Town's Priority No. 1 Water Rights and BTDMC shares changed in this Case No. 20CW3011) in this case and in other decreed changes of water rights by parcel.

42.1.1.2 The historical acres effectively irrigated by each water right has been established in the Exhibit A tables in the Decrees in Case Nos. 98CW410 and 06CW223, in Case No. 07CW325, and in the Exhibit B table of this decree, and as further depicted in the map described in this paragraph.

42.1.1.3 Lands previously irrigated under the Home Supply system that have a dry-up covenant and all irrigation has ceased ("Covenanted Dry-Up"), as well as previously irrigated lands that can no longer be irrigated due to permanent development, ("Permanent Dry-Up Pool") and previously irrigated lands that have the physical and legal ability to return to irrigation in the future ("Provisional Dry-Up Pool"). Ongoing verification is not necessary for lands included within the Covenanted Dry-Up and Permanent Dry-Up Pool, except as provided for Covenanted Dry-Up below.

42.1.1.4 A table showing the acreage available from the Covenanted Dry-Up, Permanent Dry-Up Pool, and the Provisional Dry-Up Pool as against the Non-Agriculture Requirement, in total and by Non-Agricultural User. "Non-Agriculture Requirement" and "Non-Agricultural User" are defined in Paragraph 42.1.2.3 below.

42.1.2 A proposed methodology for assigning dry-up between the Permanent and Provisional Dry-Up classifications within the Home Supply system. This methodology will address the following:

42.1.2.1 The farm-specific and ditch-wide assessment of Home Supply shares on historically irrigated farms. Based on Exhibit B, the overall ditch-wide ratio of irrigated acres per Home Supply share is 7.86 acres per share. This ratio shall be used whenever dry-up is needed for any shares whose specific historical use location has not been identified in this Case or Case Nos. 98CW410, 06CW224, or 07CW325.

42.1.2.2 The historical acres effectively irrigated by each water right have been established in the Exhibit A tables in the Decrees in Case Nos. 98CW410 and 06CW224; in Case No. 07CW325; and in the

Exhibit B table in this Decree, and further depicted in the map described in paragraph 42.1.1 above.

42.1.2.3 Owners of changed water rights carried in the Home Supply system are referred to herein as “Non-Agricultural Users.” The amount of dry-up necessary for changed shares or water rights that have been and are proposed to be Declared for new uses by any Non-Agricultural User will be calculated based on the acreage calculated within said Exhibit B to this Decree. The necessary dry-up is referred to as the “Non-Agriculture Requirement.”

42.2. Conditions for Claiming Dry-Up:

42.2.1 The Town may claim parcel-specific dry-up for Declared shares or water rights if there is an executed dry-up covenant in the Town’s favor on the historical place of use of the shares or water rights. In this circumstance, acreage per share or water right will be derived from the specific farm on which the share or water right was used historically, and the acreage shall not be added to or subtracted from the Permanent Dry-Up Pool. Instead, the acreage shall be part of the Town’s Dry-Up Pool. If the dry-up covenant involves all of the shares and water rights historically used on the parcel, the dry-up credit may be used solely by the Town. If the dry-up covenant involves more previously irrigated acres than historically used by the Town’s shares or portions of water rights, and another Non-Agricultural User obtains the remaining shares or portions of water rights, those Non-Agricultural Users may split the Covenanted Dry-Up in a separate agreement. The accompanying spreadsheet and/or GIS files will identify these lands and water rights.

42.2.1.1 Covenanted Dry-Up monitoring and reporting. The Town will verify that irrigation has ceased and that the subject lands have no ability to receive irrigation water upon execution of any dry-up covenant in the Town’s favor and declaration of the associated shares or water rights for the new uses. The Town shall verify that the lands continue to be dried-up in each subsequent 10-Year Report until it demonstrates that such monitoring is no longer necessary.

42.2.2 If the Covenanted Dry-Up and Permanent Dry-Up Pool are not sufficient to cover the Non-Agriculture Requirement, the Town may rely on the Provisional Dry-Up Pool, subject to annual verification requirements.

42.2.2.1 To claim dry-up credit from the Provisional Dry-Up Pool, the Town must verify the dry-up status of these parcels at least once every year during the irrigation season as further described below.



42.2.2.2 If the Provisional Dry-Up Pool is not sufficient, or lands relied upon within the Provisional Dry-Up Pool are placed back into irrigation use, the Town must either:

- A. Stop using changed shares or water rights for non-irrigation uses that relied on such lands in the Provisional Dry-Up Pool, or
- B. Identify additional Provisional Dry-Up Pool acres, Permanent Dry-Up Pool acres, or Covenanted acres to cover the continued use of the changed shares or water rights.

42.3. When the Town Declares shares or water rights for municipal or other non-agricultural use pursuant to Paragraph 20, above, the Town will update the Non-Agriculture Requirement as against the previous 10-Year Report's Permanent and Provisional Dry-Up Pools and serve said Declaration on the Parties to this Case No. 20CW3011.

42.4. Provisional Dry-Up Monitoring and Reporting. To the extent Provisional Dry-Up is claimed, Provisional Dry-Up monitoring and reporting will be completed annually during the irrigation season between June-August. Reporting will be submitted to Opposers by October 31 each year. This Provisional Dry-Up monitoring need not encompass the entire Home Supply service area in the intervening years between 10-Year Reports if sufficient Provisional Dry-Up can be identified within a subset of the historically irrigated lands. The following minimum reporting elements will be included in the Provisional Dry-Up reporting:

42.4.1 Identification of specific lands classified as Provisional Dry-Up.

42.4.2 Supporting documentation such as photos, statements from owners of the lands, status of irrigation infrastructure, etc. indicating that no irrigation of these lands is occurring during a given reporting year.

42.4.3 Documentation of any irrigation resuming on the specific lands claimed as Provisional Dry-Up. If irrigation has resumed on any Provisional Dry-Up acreage, these lands must be removed from the Provisional Dry-Up Pool.

42.4.4 Documentation of any reclassification of Provisional Dry-Up. Provisional Dry-Up lands may be reclassified as Covenanted Dry-Up or Permanent Dry-Up in the following 10-Year Dry-Up Report if they become permanently developed or a dry-up covenant is obtained, and ongoing annual verification will no longer be necessary.

42.4.5. If the Town relies on Provisional Dry-Up for portions of its converted shares or water rights, it will not be allowed to use or continue using such

shares or water rights for the changed uses unless the previous year's October 31 Provisional Dry-Up report has already been served.

42.4.6 If the Town relies on Provisional Dry-Up, the Town is solely responsible for monitoring and reporting on those Provisional Dry-Up acres.

42.5. 10-Year Reports. The "10-Year Reports" previously decreed in Case Nos. 98CW410 and 06CW224 will be replaced by a similar, updated report that complies with the requirements of this paragraph. The 10-Year Report described in this paragraph will satisfy the 10-Year Reporting requirements in Case Nos. 98CW410, 06CW224, and 07CW325. The first 10-Year Report required under this paragraph 42 will be due no later than May 1, 2030.

42.5.1 Going forward, all subsequent 10-Year Reports will include at a minimum:

- a. Baseline effective Home Supply system irrigated acreage by parcel, and baseline effective irrigated acreage for Home Supply shares, BTDMC shares, and private water rights carried in the Home Supply system (e.g., Loveland's Gard water right (07CW325), the Town's Koenig, Gard, and Rodeffer water rights (20CW3011).
- b. Total verified Dry-Up, subdivided into Covenanted Dry-Up, Permanent Dry-Up Pool, and Provisional Dry-Up Pool.
- c. Total Declared shares and water rights, ditch-wide and by Non-Agricultural User.
- d. Remaining available Dry-Up classified as Covenanted Dry-Up, Permanent Dry-Up Pool, or Provisional Dry-Up Pool (subject to the verification requirements of this decree), after the historically irrigated acreage associated with all Declared shares or water rights has been subtracted from the Total Dry-Up.
- e. An evaluation of ditch seepage losses as described in Paragraph 43, below.
- f. The number of miles of ditch in the Home Supply system that are lined/piped or abandoned, as described in Paragraph 43, below.

42.5.2 The Town will serve the 10-year report on all Parties herein.

42.5.3 Within 63 days after service of any 10-Year Report in accordance with this paragraph, any party to this proceeding may serve comments regarding the relevant 10-Year Report. Such comments must: (1) identify

the specific matter(s) within the relevant 10-Year Report that the commenting party disputes; and (2) describe the evidence supporting any such dispute(s). Any dispute that cannot be resolved between a commenting party and the District will be subject to resolution under the Court's retained jurisdiction in accordance with paragraph 64 of this Decree

- 42.6. The Town and Opposers Greeley, Loveland, and Little Thompson have entered into a stipulation dated February 25, 2025, which is filed in this case, which sets out additional definitions and methodology to support said 10-Year Dry-Up report. The parties to the February 25, 2025 stipulation may, through a subsequent stipulation, change such definitions and methodology without re-opening or altering this Decree.
- 42.7 Greeley, Loveland, and Little Thompson must approve of the proposed Baseline Dry-Up Map and Report, and proposed methodology for assigning dry-up as described in Paragraph 42.1 above. Any disputes related to these matters shall be resolved pursuant to the Court's retained jurisdiction pursuant to Paragraph 64, below.
43. In order to provide protection against the possibility of injury to other water users caused by a reduction in ditch seepage losses that historically accrued to the Big Thompson River from irrigation deliveries into the Home Supply ditch, the Town will, as hereinafter described, transfer to Home Supply or deliver to the Big Thompson River, the equivalent of at least 15 percent of the total volume of water that is diverted pursuant to the subject Home Supply and BTDMC shares Declared for municipal use each year. This paragraph 43 also fulfills the requirements of paragraph 40.E of the Town's 98CW410 Decree and paragraph 34.E of the Town's 06CW224 Decree.
- 43.1 Table 13 below summarizes the baseline status of the Home Supply canals (lined versus unlined), and Table 14 summarizes the average number of days the Home Supply system has historically run water below Lone Tree Reservoir. If water deliveries continue to be made through the Home Supply ditch past the inlet to the Town's pipeline near Lone Tree Reservoir ("Johnstown Pipeline") at least 1,461 days in any consecutive 10-year period, and no more than 4.4 miles of ditch in the Home Supply system are lined/piped and abandoned, the Town may satisfy the ditch seepage loss replacement requirement by transferring to Home Supply the equivalent of at least 15 percent of the total volume of water diverted pursuant to the subject Home Supply and BTDMC shares Declared for municipal use each year, as appropriate, to pay all or a part of the annual "shrink" or system loss charge imposed by Home Supply. If deliveries through the Home Supply ditch past the Johnstown Pipeline inlet are not made at least 1,461 days in any consecutive 10-year period, and the total number of miles of ditch in the Home Supply system which are

lined/piped and abandoned increases to more than 4.4 miles, the Town must release to the Big Thompson River a portion of such 15 percent of the volume of water otherwise transferable to Home Supply. The amount of water to be so released will be determined according to subparagraphs 43.2 and 43.3 below.

**Table 13**  
**Length of Ditches in Home Supply System – Baseline Condition**

| <b>Reach Description</b>                                                                                    | <b>Ditch Length in Miles</b> |
|-------------------------------------------------------------------------------------------------------------|------------------------------|
| Home Supply Ditch from Big Thompson River headgate to Confluence with Lake Ditch                            | 13.8                         |
| Home Supply Ditch from Confluence with Lake Ditch to end of Home Supply Ditch                               | 12.6                         |
| Lake Ditch                                                                                                  | 7.9                          |
| Mariano Exchange Ditch                                                                                      | 2.4                          |
| Total length of ditches in Home Supply system, including concrete-lined sections                            | 36.7                         |
| Home Supply Ditch concrete-lined section in section combined with Handy Ditch west of Interstate Highway 25 | 2.8                          |
| Home Supply Ditch concrete-lined area at end of Home Supply Ditch east of Interstate Highway 25             | 1.6                          |
| Total length of concrete-lined sections of Home Supply Ditch                                                | 4.4                          |

**Table 14**  
**Average Seasonal Usage of Home Supply Canals Below Lone Tree Reservoir**

| <b>Average First Day</b> | <b>Average Last Day</b> | <b>Average Number of Days</b> |
|--------------------------|-------------------------|-------------------------------|
| May 14                   | October 9               | 146.1 days                    |

Note: Based on 1950-1998 study period.

- 43.2 If the Home Supply Ditch does not deliver water past the Johnstown Pipeline inlet at least 1,461 days in any consecutive 10-year period, the Town must release to the Big Thompson River a portion of such 15 percent of the volume of water otherwise transferable to Home Supply as determined by the formula set forth below:

$$R1 = (0.6(1,461 - N) \div 1,461)0.15V.$$

Where R1 = the annual amount of water required to be so released due to a reduction in delivery days past the Johnstown Pipeline inlet. The volume of water required to be released shall be divided by 365 to establish a daily return flow volume, which in turn shall be utilized to calculate monthly return flow obligations for the year beginning November 1 through

October 31. If the 1,461-day trigger is met for deliveries past the Johnstown Pipeline inlet, the Town must make 20 percent of the required releases to the Big Thompson River above the Hillsborough Ditch headgate and 80 percent of the required releases to the Big Thompson River above the Big Thompson and Platte River Ditch headgate.

Where 0.6 is the percentage ditch loss attributable to that portion of the Home Supply ditch system, which is below the Johnstown Pipeline inlet.

Where N = the number of days the Home Supply ditch delivered water below the Johnstown Pipeline inlet in any consecutive 10- year period following the entry of this decree (this number must be below 1,461 for any such point in order to trigger application of the requirements of this paragraph); and

Where V = the total volume of water that is delivered to the Town's water treatment plant or to storage during that year pursuant to the change of water right requested in this case.

If the 1,461-day trigger is met, monthly releases shall be made beginning in the month of November in which the report is filed and will continue through the end of the next October, and annually thereafter unless and until, after a subsequent consecutive 10-year period, the application of the formula set forth herein indicates that a greater or lesser amount of water shall be released.

The initial volumes and rates of these releases since the first 10-Year Report in 2014 have been too small to be practicably released all year. Subject to Greeley's and the Water Commissioner's approval, small volumes of required releases may be aggregated and released during the irrigation season to best benefit the water rights along the Big Thompson River in the locations described above.

- 43.3 If the number of miles of ditch in the Home Supply system that are lined/piped increases beyond 4.4, or any portion of the ditch is abandoned, the Town must make releases of water to the Big Thompson River beginning in the month of November following such determination according to the formula set forth below:

$$R2 = ((L - 4.4) \div (32.3))0.15V$$

Where R2 = the annual amount of water required to be so released due to an increase in the number of miles of ditch in the Home Supply system that are lined/piped or abandoned. The volume of water required to be released would be divided by 365 to establish a daily return flow volume,

which in turn would be utilized to calculate monthly return flow obligations for the following year. If the number of miles of ditch in the Home Supply system that are lined/piped or abandoned increases, the Town must make the required releases to the Big Thompson River above the Hillsborough Ditch headgate or above the Big Thompson and Platte River Ditch headgate, depending on whether the newly lined/piped or abandoned section is located within Return Flow Sector 1 or Return Flow Sector 2 as shown on the map attached to this decree.

Where  $L$  = the total number of miles of ditch in the Home Supply system that are lined/piped and abandoned (this number must be greater than 4.4 in order to trigger application of the return flow calculation formula set forth above);

Where 32.3 = present total of active unlined ditch in miles; and,

Where  $V$  = the total volume of water that is delivered to the Town's water treatment plant or to storage during that year pursuant to the change of water right requested in this case.

Such release requirement shall continue annually thereafter unless and until, the status of the Home Supply Ditch changes such that application of the formula set forth herein indicates that a greater or lesser amount of water shall be released.

Subject to Greeley's and the Water Commissioner's approval, small volumes of required releases may be aggregated and released during the irrigation season to best benefit the water rights along the Big Thompson River in the locations described above.

- 43.4 Beginning with the first full irrigation season following entry of this decree, the Town will record the number of days each year during the period from May 1 to October 31 that water is delivered in the Home Supply Ditch below Lone Tree Reservoir and the inlet to the Johnstown Pipeline. On or before November 1 of the tenth year of such recordation, the Town must file a report setting forth the total number of such delivery days in the ten-year period. Thereafter, the Town must annually report the number of such delivery days on or before May 30, concurrent with the annual share Declaration made pursuant to Paragraph 20 above.
- 43.5 The Court shall retain jurisdiction over the question of injury as a result of a change in the status of the Home Supply ditch. Any party hereto may invoke the Court's retained jurisdiction at any time by making a prima facie showing that the Home Supply ditch did not deliver water past the Johnstown Pipeline inlet at least 1,461 days in any consecutive 10-year

period, or that the number of miles of ditch in the Home Supply system that are lined/piped and abandoned has increased to more than 4.4 miles. In the event a party invokes the Court's retained jurisdiction for this purpose, the Court shall determine the percentage change, if any, in the number of delivery days past the Johnstown Pipeline inlet or the number of miles of ditch that are lined/piped and abandoned and determine the ditch seepage returns owed by the Town to the Big Thompson River, in accordance with the formulas set forth in subparagraphs 2 and 3 above.

44. The Town will continue to use the water rights accounting forms previously approved by the Division Engineer for the Home Supply shares previously changed in Case Nos. 98CW410 and 06CW224 until amended under the terms of this paragraph. Within 112 days of the date a Decree is entered in this case, the Town shall serve on the Opposers in this case new accounting forms to incorporate the terms and conditions of this Decree for the water rights being changed in this case. Opposers will have 63 days to review and provide comments on the proposed revised accounting forms to the Town and the Division Engineer. The Division Engineer must approve the revised accounting forms prior to the use of the Subject Water Rights by the Town under this Decree. Any disputes concerning the accounting forms will be resolved by the Court under retained jurisdiction. After initial approval of the accounting forms under this paragraph, to the extent the Town's accounting forms need to be modified in the future, the Town will file modified accounting forms with the Division Engineer for their approval in accord with Paragraph 46, below. The Town must provide opposers in this Case copies of the modified accounting.

45. The Town will submit accounting records for its diversions and return flows pursuant to this Decree to the Water Commissioner and Division Engineer on a monthly basis or at such other reasonable intervals as they may request, and said records shall be electronically upon request by any party who has appeared herein at no charge.

46. The accounting is an administrative tool required by this Decree to confirm that diversions and replacements are made in the correct time, location, and amount in accordance with the terms and conditions of this Decree. The accounting must be sufficient in detail so that state water officials are not limited in their duty to administer, and make record of, the movement of water in accordance with this Decree. All accounting must be acceptable to the Division Engineer, or the Division Engineer's designated representative, and must adhere to all applicable administrative policies, guidelines, and protocols established by the Division Engineer. The accounting form is not decreed herein, and if otherwise consistent with the provisions of this Decree, may be modified from time to time at the request of or as approved by the Division Engineer with notice to all Opposers in this case, provided that all information contained in the accounting form and required by this Decree is included, and is in a form acceptable to the Division Engineer. Any requests for changes to the accounting form made by the Division Engineer must be made immediately. The Town will serve notice to Opposers when any changes to the accounting form are submitted to the Division Engineer. Unless the changes are required by the Division Engineer, Opposers will then have 63 days from the date of service of notice of substantive changes to the accounting form to provide comments to the Division



Engineer regarding such proposed changes. After the 63-day comment period, the Division Engineer will either approve or deny the proposed changes.

Applicant may operate under this Decree with the approved accounting forms during any such comment period for modification of the accounting form(s) and any additional time that an accounting dispute or modification is pending before the Court. However, the Applicant may be retroactively required to correct any deficiencies incurred during the comment period or dispute time required by the Division Engineer's Office.

Such accounting must include the following minimum requirements:

- 46.1 Which of the Subject Water Rights are Declared for their changed uses for the current water year.
- 46.2 The priority of daily calls affecting the Big Thompson River, Little Thompson River, and each return flow sector.
- 46.3 The daily diversions and deliveries of each of the Subject Water Rights.
- 46.4 Daily accounting of the storage releases from Lone Tree Reservoir and the combined releases from Mariano and Lon Hagler Reservoir for each of the Subject Water Rights.
- 46.5 Daily accounting for Chapman Reservoir and Johnstown Reservoir.
- 46.6 The daily return flow obligations for all of the Subject Water Rights, in each return flow sector.
- 46.7 Daily return flow replacements (by source, location, and amount).
- 46.8 Tracking of all volumetric limits of the Subject Water Rights.
- 46.9 The daily measured discharge from each of the WWTFs, the water from each that is attributable to the Town, and the volume that is reusable.
- 46.10 Calculation of the daily municipal return flows that are reusable for credit against the Town's return flow obligations, by time location, and amount, according to this Decree.
- 46.11 Accounting of LIRFs by return flow basin and by water type (reusable raw water, raw water, and treated water deliveries)
- 46.12 Transit Losses on deliveries of water for downstream credit assessed by the Water Commissioner.

### **CONCLUSIONS OF LAW**

47. The application herein was filed with the Water Court pursuant to section 37-92-302(1)(a), C.R.S.

48. Statements of opposition were filed herein as described in paragraph 4, above, and the time for filing additional statements of opposition has expired according to law. § 37-92-302(1)(c), C.R.S.

49. The Water Court has exclusive jurisdiction over the subject matter of this application and over all persons affected hereby. § 37-92-203(1), C.R.S. as amended.

50. The requested changes in type, place, manner and season of use, alternative places of storage, determinations of the amount, location and timing of historical return flows and determinations of historical use and historical consumptive use concerning the Subject Water Rights should be approved. § 37-92-305, C.R.S.

51. The Court is required pursuant to section 37-92-304(6), C.R.S., to retain jurisdiction for some period following entry of this ruling and decree, such period to be determined by the Court, to reconsider the question of injury to the vested rights of others. The Water Court will retain such jurisdiction until a period of ten (10) years has elapsed commencing at the end of the water year in which the Town first serves notice on the Parties to this case that it has Declared 75% of the Home Supply shares being changed in this case for use in its municipal water system and the Town has used at least 75% of the HCU from the Priority No. 1 Water Rights in its municipal water system or put such water to beneficial use under the terms and conditions of this decree. For purposes of this paragraph, use in the municipal water system shall include both treated water use and use for municipal irrigation, but shall exclude agricultural irrigation. The Town will file a notice with the Court advising that the condition has occurred and the ten (10) year period has begun to run, and said notice shall be served on the Division Engineer for Water Division No. 1 and on counsel of record for all parties who have appeared herein. Furthermore, the Court retains continuing jurisdiction for the limited purposes described in paragraph 64, below. However, this judgment and decree is final for all other purposes.

52. As determined by the court in the decrees in Case Nos. 98CW410 and 06CW224, the Town, or any other user of shares of Home Supply stock carried in the Home Supply system, may rely on the findings and conclusions contained therein regarding historical use and historical consumptive use per share and related matters determined herein in any future applications for change of water rights or plans for augmentation or exchange involving the water rights represented by shares of Home Supply stock carried in the Home Supply system, which is *res judicata* and is not subject to modification under the Court's retained jurisdiction in the absence of a showing to this Court of changed circumstances subsequent to the date of entry of this decree, or unique facts presented by such future application that were not addressed in this case and are germane to the question of injury. See *Concerning the Application for Water Rights of Midway Ranches Property Owners' Association, Inc.*, 938 P.2d 515 (Colo. 1997); *Farmers Reservoir and Irrigation Company v. Consolidated Mutual Water Company*, 33 P.3d 799 (Colo.

2001). No such changed circumstances subsequent to the decrees in Case Nos. 98CW410 and 06CW224 have been shown and the Court finds it continues to be appropriate to rely upon those findings and conclusions in this matter.

53. The Town has proposed, and the Court has approved, an appropriate methodology for determining the historical beneficial consumptive use of the Subject Water Rights and for making allocations of consumptive use based thereon, as well as for determining the historical return flows, both surface water and ground water, as to amount, location and timing. Absent changed circumstances subsequent to the date of entry of this decree, and in order to prevent injury to vested water rights, these methodologies should govern future change of water right proceedings involving the same water rights. *FRICO v. Consolidated Mutual Water Company*, 33 P.3d at 807 .

54. The Court has considered the projected growth of the Town and future water needs to support that growth and finds that this Application is not speculative and, based on past experience in the Town and future projections, the Subject Water Rights changed in this application that are not currently dedicated to the Town will be dedicated to the Town to support that growth within a reasonable time, but will continue to be used for the original irrigation purpose until that time.

55. Diversions of the Subject Water Rights will continue to be measured at the historical point of diversion. The CHSDRC will assess the proper ditch and other losses in accordance with its Bylaws and Contracts. The water to be used in the Town's municipal system will be placed into storage in Johnstown Reservoir, either directly or after storage in another reservoir in the CHSDRC system, and diverted into the Town's municipal system through its water treatment plant or diverted directly from Lone Tree Reservoir into the Town's municipal system through its water treatment plant.

56. Ditch Company Operations. All diversions of the water attributable to Home Supply water rights will continue to be made through the river headgate of the Home Supply ditch located as described in Paragraph 9.1.3 (or the George Rist Ditch) and will be delivered at the locations described in Paragraphs 56.1 through 56.5, below less ditch loss and lateral loss as assessed by Home Supply. The Town will continue to pay assessments on the Home Supply shares and lateral company shares that historically delivered the Home Supply subject rights. In the event the Town decides to take delivery of water from the Home Supply shares in any manner other than as historically delivered or as set forth in the Decree, then modification of Home Supply operations may result. Accordingly, any modification to the method of delivery for the Home Supply shares is subject to approval by Home Supply. Any modification to the method of delivery must be consistent with the terms and conditions of this decree and cannot result in a modification of return flow replacements in time, location, or amount. If approved by Home Supply, the Town must reimburse Home Supply for any increased costs and expenses incurred in operating and administering the modified method of delivery for the Home Supply water rights, including for any additional accounting and monitoring required by Home Supply or the Division Engineer. Additionally, the Town, under the direction and supervision of Home Supply, will be responsible for making any physical changes to Home Supply facilities and

structures as are necessary to ensure that (i) historical deliveries of Home Supply water rights to other shareholders are not altered in time or quantity; (ii) Home Supply's operational expenses are not increased; and (iii) the related rights of Home Supply's other shareholders are not adversely affected. In the event this change of water rights results in increased costs and expenses to Home Supply, the Town will reimburse Home Supply for said costs and expenses as reasonably determined by the Board of Directors of Home Supply.

- 56.1 Lone Tree Pipeline, which intakes are from Lone Tree Reservoir located as described in Paragraph 10.1.
- 56.2 Johnstown Reservoir, located as described in Paragraph 10.4.
- 56.3 Chapman Reservoir, delivered through the Gard Lateral, as described in Paragraph 10.5.
- 56.4 Any of the three Home Supply Reservoirs described in Paragraph 10.1, 10.2, and 10.3.
- 56.5 Any additional location that the Town and Home Supply may agree upon.

57. The Subject Water Rights changed herein may only be used under the terms of this Decree, within the Town's municipal water system, except as stated below. The Town's use of the Subject Water Rights outside of the Town's municipal water system is subject to the following conditions:

- 57.1 the contractual obligation to a user outside of the Town's municipal water system exists at the time of this Decree;
- 57.2 the contractual obligation is met by use of a metered treated water tap supplied by the Town;
- 57.3 the contractual obligation is of limited duration (5 years or less) and is for use in a decreed augmentation plan or in a substitute water supply plan approved by the State Engineer pursuant to C.R.S. § 37-92-308 or successor statutes; and
- 57.4 the contractual obligation is pursuant to a water trade agreement whereby the Town is obligated to deliver water to a party in return for deliveries by said party to the Town of an equivalent amount of water from alternate sources.

58. Other than for continued irrigation of historically irrigated lands, the Subject Water Rights may not be used outside the Town's municipal system for any other purpose without administrative approval through a Substitute Water Supply Plan, or successor process, or through a final decree of this Court.

59. To the extent the Town has Declared changed Home Supply shares for municipal use and derives a portion of its storage allocation from the storage water rights decree to Marino and Lon

Hagler Reservoirs, the Town's Declared municipal storage allocation water may not be exchanged by Home Supply under the priority of the exchange decreed in Case No. W-9474-78. Nothing herein shall prevent the Town or Home Supply from seeking an administrative exchange as authorized by sections 37-80-120 and 37-83-104, C.R.S., or a separate decree for an appropriate right of exchange for their municipal use.

60. The Town must install and maintain appropriate measuring and recording devices as the Division Engineer may reasonably require in order to administer the Subject Water Rights.

### **DECREE OF THE WATER COURT**

#### **NOW, THEREFORE, IT IS HEREBY THE DECREE OF THE WATER COURT:**

61. The foregoing Findings of Fact and Conclusions of Law are incorporated herein and made a part of the Decree of the Water Court as if set out in full.

62. The application in this matter, including the changes in type, place, manner and season of use and determinations of historical use and historical consumptive use concerning the Subject Water Rights, is approved, subject to the terms and conditions described herein. § 37-92- 305, C.R.S.

63. Pursuant to the provisions contained in section 37-92-304(6), C.R.S., approval of these changes of water rights is subject to the continuing jurisdiction of the Water Court for the period of time set forth in Paragraph 51, above, to reconsider the question of injury to the vested rights of others. Any person, including the Division Engineer for Water Division No. 1, may within the Court's retained jurisdiction period, petition the Water Court for the purpose of modifying this decree. Such petition will be filed with the Water Court under the above-styled caption and case number and must be served on the Division Engineer for Water Division No. 1 and on counsel of record for all parties who have appeared herein. Any person seeking to invoke reconsideration of the injury question under this retained jurisdiction provision shall have the initial burden of establishing that injury has occurred to their water rights from placing the change of water rights into operation. If no petition is lodged within the described period and if the retained jurisdiction is not extended by the Court in accordance with the provisions of the statute, the retained jurisdiction period will expire.

64. In addition to the foregoing provisions, the Court will retain jurisdiction over this matter that is continuing in nature and is not subject to the specified time period set forth in Paragraph 51 and 63 above, and will not terminate unless by Order of the Court after notice and opportunity for a hearing. Said continuing jurisdiction will apply for the following limited purposes only:

- 64.1 To review the sufficiency of the measuring, recording, and accounting system that the Town uses to administer the Subject Water Rights, as well as the sufficiency of the Town's reporting procedures to the Division Engineer or their designated representative;

- 64.2 To review the adequacy of the Town's compliance with, or the Division Engineer's administration of, the provisions set forth herein;
  - 64.3 To review matters of possible future injury as described in paragraphs 27, 38, 39, 41, 42, and 43, above;
  - 64.4 To make any necessary adjustments to determinations with respect to lawn irrigation return flow credits, the methodology for calculating said credits or to related accounting issues, as described in paragraph 41, above; and,
  - 64.5 To resolve any disputes related to the proposed Baseline Dry-Up Map, report and proposed methodology for assigning dry-up as described in Paragraph 42.17, above.
65. The Town can and will be able to put the conditional water right described in Paragraph 32, above, to beneficial use and is hereby awarded and decreed such conditional water rights, such that, when in priority, the Town is not required to replace such return flows at any time the downstream call is junior to January 31, 2020.
- 65.1 If the Town desires to maintain and continue the conditional water rights described above in paragraph 32, above, then an application for finding of reasonable diligence shall be filed with the Water Court during or before March 31, 2031, or a showing made on or before such date that such conditional right has been made absolute by reason of the completion of the appropriation or have been disposed of.
  - 65.2 Pursuant to Rule 9 of the Uniform Local Rules for All State Water Court Divisions, upon the sale or other transfer of the conditional water rights decreed herein, the transferee shall file with the Division 1 Water Court a notice of transfer which shall state (a) the title and case number of this Case No. 20CW3011; (b) the description of the conditional water right transferred; (c) the name of the transferor; (d) the name and mailing address of the transferee; and (e) a copy of the recorded deed. The owner of said conditional water rights shall also notify the Clerk of the Division 1 Water Court of any change in mailing address. The Clerk shall place any notice of transfer or change of address in the case file of this Case No. 20CW3011 and in the case file (if any) in which the Court first made a finding of reasonable diligence.
66. It is further ORDERED that the Water Clerk shall file a copy of this Decree with the Division Engineer, Water Division No. 1 and the State Engineer.

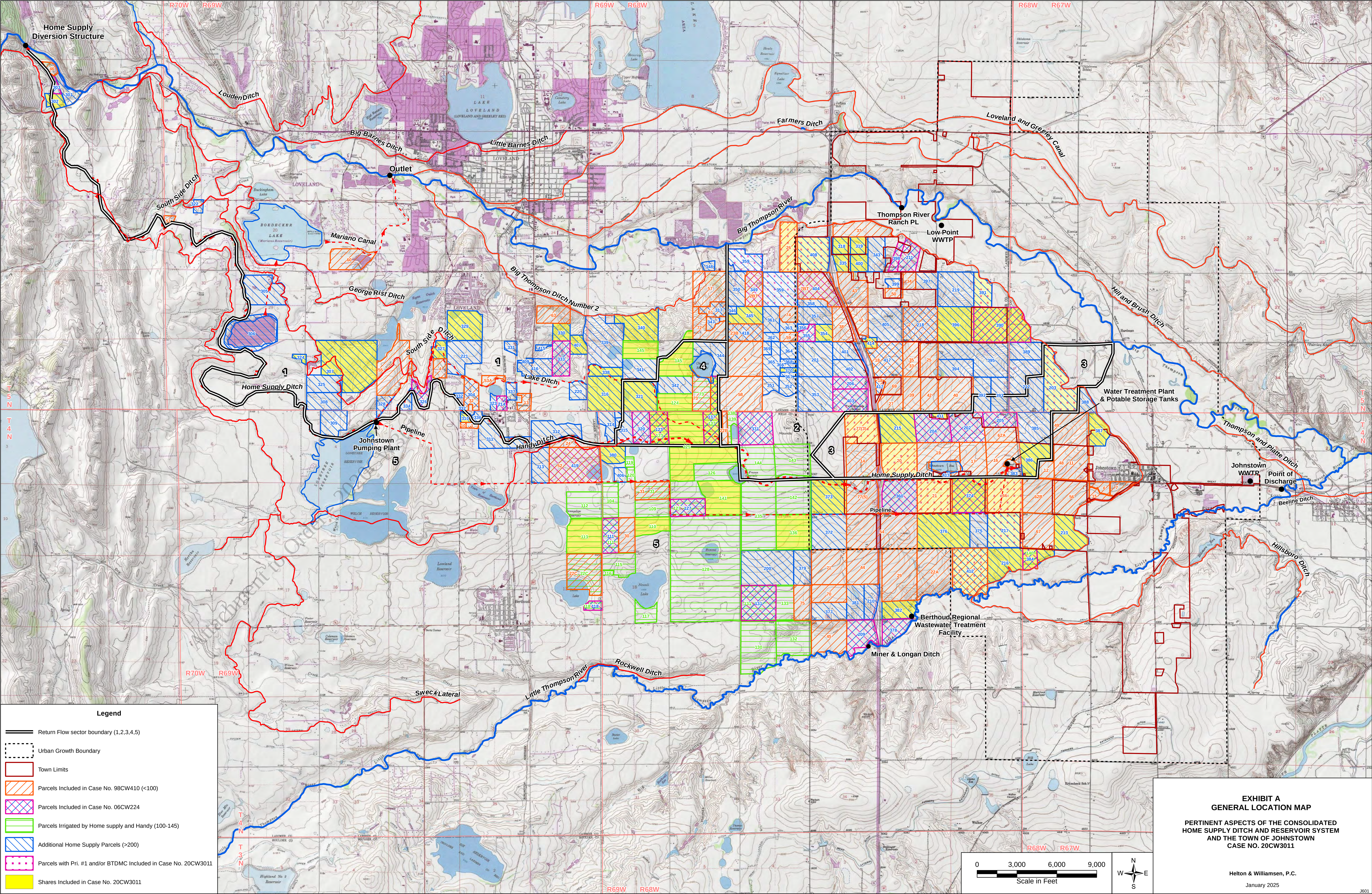
So Ordered this 4<sup>th</sup> day of March 2025.

BY THE COURT

A handwritten signature in blue ink, appearing to read "Todd Taylor", is written over a horizontal line.

Todd Taylor  
District Court Judge and Water Judge, Division 1





**Legend**

- Return Flow sector boundary (1,2,3,4,5)
- Urban Growth Boundary
- Town Limits
- Parcels Included in Case No. 98CW410 (<100)
- Parcels Included in Case No. 06CW224
- Parcels Irrigated by Home supply and Handy (100-145)
- Additional Home Supply Parcels (>200)
- Parcels with Pri. #1 and/or BTDMC Included in Case No. 20CW3011
- Shares Included in Case No. 20CW3011

**EXHIBIT A  
GENERAL LOCATION MAP**

**PERTINENT ASPECTS OF THE CONSOLIDATED  
HOME SUPPLY DITCH AND RESERVOIR SYSTEM  
AND THE TOWN OF JOHNSTOWN  
CASE NO. 20CW3011**

Helton & Williamsen, P.C.  
January 2025



EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                   |                    |                                                  |                                    |                     |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|---------------------------------------------------------------------------------------------------|-------------------|--------------------|--------------------------------------------------|------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No.                                                                                      | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                               | Historical Water Supply (Baseline) |                     |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|                                                                                                   |                   |                    |                                                  | No. of Home Supply Shares          | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)                                                                                               | (2)               | (3)                | (4)                                              | (5)                                | (6)                 | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 1                                                                                                 |                   | 5                  | Woodworth                                        | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 2                                                                                                 | 8,9,218           | 2                  | Eaton/Abrams                                     | 3                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 3                                                                                                 | 412               | 5                  | Lee, R. <sup>4</sup>                             | 6                                  |                     | 0.46                       | 10.85                    | 0.11                       |                                                    | 6                                                                      |                           |                               |                               |                          |                     |                         | 0.46                                          |                                                 | 10.85                                       |
| 4                                                                                                 |                   | 1                  | Sarah Orr Mortgage                               | 5                                  |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 5                                                                                                 |                   | 2                  | Ludwick                                          | 20                                 |                     |                            |                          |                            |                                                    | 20                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 6                                                                                                 |                   | 5                  | Hayes, C. (Country Acres 6th)                    | 1.75                               |                     |                            |                          |                            |                                                    | 1.75                                                                   |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 7                                                                                                 |                   | 5                  | Johnstown Center 1st                             | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 8                                                                                                 | 2,9,218           | 2                  | Knolls 1st                                       | 3                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 9                                                                                                 | 2,8,218           | 2                  | Knolls 2nd                                       | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 10                                                                                                |                   | 5                  | Gutenkunst                                       | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 11                                                                                                | 48                | 5                  | Brown (Rolling Hills 1 & 2)                      | 12                                 |                     |                            |                          |                            |                                                    | 12                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 12                                                                                                |                   | 5                  | Podtburg PUD                                     | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 13                                                                                                | 1BT               | 1                  | Dehn 1 & 2                                       | 0.5                                | 0.24584             |                            |                          |                            |                                                    | 0.5                                                                    |                           |                               |                               | 0.18750                  |                     |                         |                                               |                                                 |                                             |
| 14                                                                                                |                   | 3                  | Saffell I & II (I-25 Gateway Center)             | 10                                 |                     |                            |                          |                            |                                                    | 10                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 15                                                                                                |                   | 5                  | Hayes, C. (Country Acres 8th)                    | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 16                                                                                                |                   | 3                  | Sloan                                            | 14                                 |                     |                            |                          |                            |                                                    | 14                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 17                                                                                                |                   | 3                  | Carlson Farm                                     | 20                                 |                     |                            |                          |                            |                                                    | 20                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 18                                                                                                | 417               | 2                  | Johnson's Corner                                 | 13                                 |                     |                            |                          |                            |                                                    | 13                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 19                                                                                                |                   | 3                  | Harding                                          | 13                                 |                     |                            |                          |                            |                                                    | 13                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 20                                                                                                | 5BT               | 3                  | H Bar H <sup>4</sup>                             | 13                                 | 0.80000             | 1.03                       | 24.49                    | 0.26                       |                                                    | 13                                                                     |                           |                               |                               | 0.8                      |                     |                         | 1.03                                          |                                                 | 24.49                                       |
| 21                                                                                                |                   | 5                  | Schultz <sup>4</sup>                             | 14                                 |                     | 1.09                       | 25.89                    | 0.27                       |                                                    | 14                                                                     |                           |                               |                               |                          |                     |                         | 1.09                                          |                                                 | 25.89                                       |
| 22                                                                                                | B                 | 2                  | Larson                                           | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 22                                                                                                | A                 | 5                  | Larson                                           | 9                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 22                                                                                                | C                 | 5                  | Larson                                           | 4                                  |                     |                            |                          |                            | 2                                                  | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 23                                                                                                | B 418             | 2                  | Shockley (Redstone Hills)                        | 4                                  |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 24                                                                                                |                   | 5                  | Frye (Ted Yeleck)                                | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 25                                                                                                |                   | 2                  | Yelek                                            | 10                                 |                     |                            |                          |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 26                                                                                                | 47, 3BT, 4BT      | 2                  | Sedona Hills II (Patterson Farm) <sup>4</sup>    | 7.5                                | 0.33333             | 0.82                       | 19.42                    | 0.20                       |                                                    | 8.5                                                                    |                           |                               |                               | 0.21667                  |                     | 0.11667                 | 0.82                                          |                                                 | 19.42                                       |
| 27                                                                                                |                   | 2                  | Chilson                                          | 10                                 |                     |                            |                          |                            |                                                    | 8                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 29                                                                                                | 23A               | 5                  | MLD Equities LLC (Cresswell II)                  | 30                                 |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 30                                                                                                |                   | 5                  | Stroh, D. (Rolling Hills Ranch)                  | 10                                 |                     |                            |                          |                            |                                                    | 10                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 31                                                                                                |                   | 5                  | Stroh/Busch (Rolling Hills Ranch)                | 3                                  |                     |                            |                          |                            | 6                                                  | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 32                                                                                                | 304               | 1                  | Hull/Siegrist (Rolling Hills Ranch)              | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 33                                                                                                | 35                | 2                  | Loveland Ready-Mix                               | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 34                                                                                                |                   | 2                  | Shockey                                          | 3                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 35                                                                                                |                   | 2                  | Cross                                            | 10                                 |                     |                            |                          |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 37                                                                                                | 6BT               | 2                  | Wiens                                            | 6                                  | 0.16666             |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 38                                                                                                |                   | 2                  | MLD Equities LLC (Hamilton)                      | 16                                 |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 39                                                                                                |                   | 2                  | Nelson                                           | 13                                 |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 40                                                                                                |                   | 2                  | Herrera                                          | 17                                 |                     |                            |                          |                            |                                                    | 17                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 41                                                                                                |                   | 2                  | Graybill                                         | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 42                                                                                                |                   | 2                  | Benson                                           | 10                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 43                                                                                                |                   | 2                  | Larimer County 402, LLC, Trowbridge <sup>5</sup> | 7                                  |                     | 0.5                        | 0.00                     |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               | 0.5                                             |                                             |
| 44                                                                                                |                   | 5                  | Johnson/Lawson <sup>6</sup>                      | 20.75                              |                     |                            |                          |                            |                                                    | 4                                                                      | 1.75                      |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 45                                                                                                |                   | 5                  | MLD Equities LLC (Cresswell I)                   | 16                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 46                                                                                                | 301               | 1                  | Carran (Yelek)                                   | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 48                                                                                                | 11                | 5                  | Brown (Rolling Hills Ranch)                      | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 49                                                                                                |                   | 5                  | Sandberg                                         | 10                                 |                     |                            |                          |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 50                                                                                                |                   | 2                  | Cross, Al and Effie                              | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 51                                                                                                |                   | 1                  | Chilson                                          | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 52                                                                                                | 419               | 5                  | Stroh (Rolling Hills Ranch)                      | 6                                  |                     |                            |                          |                            |                                                    | 6                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|              |                   |                    |                                                                           | SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                     |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|--------------|-------------------|--------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No. | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                                                        | Historical Water Supply (Baseline)                                                                |                     |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|              |                   |                    |                                                                           | No. of Home Supply Shares                                                                         | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)          | (2)               | (3)                | (4)                                                                       | (5)                                                                                               | (6)                 | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 53           | A                 | 1                  | Myers (Rolling Hills Ranch)                                               | 1                                                                                                 |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 53           | B <sup>3</sup>    | 1                  | Myers, J.                                                                 | 2                                                                                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 54           |                   | 5                  | Purdy Trust                                                               | 39.25                                                                                             |                     |                            |                          |                            |                                                    | 28                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 55           |                   | 1                  | Luxor, LLC (Beirwaltes)                                                   | 8                                                                                                 |                     |                            |                          |                            |                                                    | 8                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 56           |                   | 5                  | Spaur                                                                     | 17                                                                                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 57           |                   | 1                  | Kelly (Rolling Hills Ranch)                                               | 7                                                                                                 | 0.3250              |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 58           |                   | 2                  | Saulcy                                                                    | 21.75                                                                                             |                     |                            |                          |                            |                                                    | 20.75                                                                  |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 59           |                   | 2                  | Hill                                                                      | 2                                                                                                 |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 60           |                   | 1                  | Glen Devel, LLC (Rolling Hills Ranch) (Water Traded into HS) <sup>7</sup> | 2                                                                                                 |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 61           | 317               | 1                  | Haggerty (Rolling Hills Ranch)                                            | 6                                                                                                 |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 62           | A                 | 3                  | Massey                                                                    | 8                                                                                                 |                     |                            |                          |                            |                                                    | 8                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 62           | B                 | 5                  | Massey                                                                    | 17                                                                                                |                     |                            |                          |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 63           |                   | 1                  | Oil Com Corp.                                                             | 4                                                                                                 |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 66           | 8BT               | 5                  | W. Johnstown Dvlpmnt LLC (Harroun) <sup>4</sup>                           | 11                                                                                                | 0.40000             | 0.87                       | 20.64                    | 0.22                       |                                                    | 11                                                                     |                           |                               |                               | 0.4                      |                     |                         | 0.87                                          |                                                 | 20.64                                       |
| 67           |                   | 5                  | Maplewood Acres (Lewis)                                                   | 21                                                                                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 69           |                   | 2                  | Tarum                                                                     | 6                                                                                                 |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 70           |                   | 5                  | Markham, B. <sup>5</sup>                                                  | 9.5                                                                                               |                     | 0.5                        |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               | 0.5                                             |                                             |
| 71           |                   | 5                  | Markham, W.                                                               | 20                                                                                                |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 72           |                   | 1                  | Gilstrap                                                                  | 9                                                                                                 |                     |                            |                          |                            |                                                    | 6                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 73           |                   | 4                  | Olander                                                                   | 9.25                                                                                              |                     |                            |                          |                            | 5                                                  | 5.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 74           |                   | 2                  | Johnson, Rick                                                             | 5                                                                                                 |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 75           | 134               | 5                  | Cannon                                                                    | 10                                                                                                |                     |                            |                          |                            |                                                    | 10                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 77(5)        |                   | 5                  | Veeman (Seg. 5)                                                           | 19                                                                                                |                     |                            |                          |                            |                                                    | 19                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 77(3)        |                   | 3                  | (Veeman) Saffel No. 2 (Seg. 3) <sup>4</sup>                               | 12                                                                                                |                     | 0.90                       | 21.34                    | 0.22                       |                                                    | 12                                                                     |                           |                               |                               |                          |                     |                         | 0.90                                          |                                                 | 21.34                                       |
| 2BT          | 349               | 2                  | Fischer d/b/a Allied Mortgage <sup>8</sup>                                | 0                                                                                                 | 0.40000             |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               | 0.40000                  |                     |                         |                                               |                                                 |                                             |
| 7BT          | 404               | 2                  | Ehrlich, P. <sup>8</sup>                                                  | 0                                                                                                 | 0.46667             |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     | 0.46667                 |                                               |                                                 |                                             |
| 103          |                   | 5                  | Carson, Swanson & Shae                                                    | 0                                                                                                 |                     |                            |                          |                            | 10                                                 | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 104          | 105,106           | 5                  | Hein, W. Hein, Ray Hein & Hein Family Trust                               | 6                                                                                                 |                     |                            |                          |                            | 5.5                                                | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 109          |                   | 5                  | Ritter, W.                                                                | 1                                                                                                 | 0.33333             |                            |                          |                            | 2                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 110          |                   | 5                  | Kennedy, T.                                                               | 10                                                                                                | 0.33333             |                            |                          |                            | 1                                                  | 8                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 111          |                   | 5                  | Schultz, H.                                                               | 4                                                                                                 |                     |                            |                          |                            | 3                                                  | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 112          |                   | 5                  | Schooley (B.Hein)                                                         | 3                                                                                                 |                     |                            |                          |                            | 9                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 113          |                   | 5                  | Miller Ventures                                                           | 6                                                                                                 |                     |                            |                          |                            | 3                                                  | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 115          |                   | 5                  | Jones, Carolyn                                                            | 7                                                                                                 |                     |                            |                          |                            | 1                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 116          |                   | 5                  | Kasperbauer, V.                                                           | 0.5                                                                                               |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 117          |                   | 5                  | Enright, D.                                                               | 1                                                                                                 |                     |                            |                          |                            | 3                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 118          |                   | 5                  | Lobban, D. (York)                                                         | 1                                                                                                 |                     |                            |                          |                            | 0                                                  | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 119          |                   | 5                  | Mayo, M.                                                                  | 1                                                                                                 |                     |                            |                          |                            | 0                                                  | 0                                                                      | 1                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 120          |                   | 5                  | Ketner, C.                                                                | 1                                                                                                 |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 121          |                   | 5                  | Johnson, B. New Day Sunrise                                               | 0                                                                                                 |                     |                            |                          |                            | 40                                                 | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 122          |                   | 5                  | Sanchez, T.                                                               | 0                                                                                                 |                     |                            |                          |                            | 6                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 123          |                   | 4                  | Schrage/Forman                                                            | 6                                                                                                 |                     |                            |                          |                            | 0                                                  | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 124          |                   | 4                  | Elmquist Brothers                                                         | 10                                                                                                |                     |                            |                          |                            | 0                                                  | 9                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 125          |                   | 4/5                | Peterson Farm <sup>14</sup>                                               | 30                                                                                                |                     |                            |                          |                            | 9                                                  | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 126          |                   | 5                  | Grelp Farms (LTWD)                                                        | 14                                                                                                | 0.33333             |                            |                          |                            | 0                                                  | 0                                                                      | 14                        |                               |                               |                          | 0.33333             |                         |                                               |                                                 |                                             |
| 127          |                   | 5                  | Campbell, D.                                                              | 7                                                                                                 |                     |                            |                          |                            | 0.25                                               | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 128          |                   | 5                  | Waggener, M. <sup>9</sup>                                                 | 28.5                                                                                              |                     |                            |                          |                            | 93.21                                              | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 129          |                   | 5                  | Olson, G.                                                                 | 0                                                                                                 |                     |                            |                          |                            | 25                                                 | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 130          |                   | 5                  | Cletcher, J. (JOC, LLC)                                                   | 16                                                                                                |                     |                            |                          |                            | 4                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 131          |                   | 5                  | Hoffmeister, J.                                                           | 12                                                                                                |                     |                            |                          |                            | 4                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                   |                    |                                                   |                                    |                     |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|---------------------------------------------------------------------------------------------------|-------------------|--------------------|---------------------------------------------------|------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No.                                                                                      | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                                | Historical Water Supply (Baseline) |                     |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|                                                                                                   |                   |                    |                                                   | No. of Home Supply Shares          | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)                                                                                               | (2)               | (3)                | (4)                                               | (5)                                | (6)                 | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 132                                                                                               |                   | 5                  | Koolstra, W.                                      | 11                                 |                     |                            |                          |                            | 4.5                                                | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 133                                                                                               |                   | 5                  | Ostermiller, G.                                   | 10                                 |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 134                                                                                               | 75                | 5                  | Cannon, P.                                        | see (75) above                     |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 135                                                                                               |                   | 5                  | Weis, F.                                          | 9.5                                |                     |                            |                          |                            | 30.45                                              | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 136                                                                                               |                   | 5                  | Fickel, R.B.                                      | 2.75                               |                     |                            |                          |                            | 16                                                 | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 137                                                                                               |                   | 4                  | Gentry, J.                                        | 11                                 |                     |                            |                          |                            | 0                                                  | 9                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 138                                                                                               | 139               | 2                  | Frink, T. (Olson, D.)                             | 1                                  |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 139                                                                                               | 138               | 2                  | Beemer/McEntee                                    | 1                                  |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 140                                                                                               | 384               | 5                  | Starck, L. (see #384, Starck, R.) <sup>10</sup>   | 1                                  |                     |                            |                          |                            | 0                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 141                                                                                               |                   | 5                  | Smith, H.                                         | 7                                  |                     |                            |                          |                            | 3                                                  | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 142                                                                                               |                   | 5                  | Zimmerman Bros.                                   | 9.75                               |                     |                            |                          |                            | 12.5                                               | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 143                                                                                               |                   | 2                  | Kiehn, D.D./LTWD                                  | 13                                 | 0.33333             |                            |                          |                            | 2                                                  | 0                                                                      | 10                        |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 144                                                                                               |                   | 2                  | Carlson, Swanson & Shea                           | 6.5                                | 0.33333             |                            |                          |                            | 1                                                  | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 145                                                                                               |                   | 4/1                | Bunker, J. & Young, E.(Evans Ranch) <sup>15</sup> | 25                                 |                     |                            |                          |                            | 6                                                  | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 200                                                                                               |                   | 5                  | Markham,K.                                        | 30                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 201                                                                                               |                   | 2                  | Lee/Summers                                       | 22                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 202                                                                                               |                   | 3                  | Cito, B.                                          | 16                                 |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 203                                                                                               |                   | 3                  | Sauer <sup>12</sup>                               | 7                                  |                     | 54.2                       |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 204                                                                                               |                   | 3                  | Klein (Leinweber/Klein)                           | 18                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 205                                                                                               |                   | 3                  | Klein (Leinweber)                                 | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 206                                                                                               |                   | 2                  | Klein, R./Davis, T./Baum, T. (Borland)            | 8                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 207                                                                                               |                   |                    | Deleted                                           | deleted                            | ---                 |                            |                          |                            | ---                                                | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 208                                                                                               |                   |                    | Deleted                                           | deleted                            | ---                 |                            |                          |                            | ---                                                | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 209                                                                                               |                   | 5                  | Martin Oil                                        | 15                                 |                     |                            |                          |                            |                                                    | 13                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 210                                                                                               |                   | 5                  | Hart Farm                                         | 3                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 211                                                                                               |                   | 2                  | Gutierrez                                         | 4                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 212                                                                                               |                   | 2/3                | Wind, F.                                          | 26.5                               |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 213                                                                                               |                   | 5                  | Bien, T./Keto, J.                                 | 24                                 |                     |                            |                          |                            |                                                    | 20                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 214                                                                                               |                   | 1                  | Adams, M.                                         | 0.5                                |                     |                            |                          |                            |                                                    | 0.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 215                                                                                               |                   | 3                  | Hamilton DWD                                      | 20                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 216                                                                                               |                   | 5                  | Clark, S.                                         | 11                                 |                     |                            |                          |                            |                                                    | 1                                                                      | 4                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 217                                                                                               |                   | 5                  | Sauer, H.                                         | 13                                 | 0.8000              |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 218                                                                                               | 2,8,9             | 2                  | Hill/Sidi/Garrelts                                | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 219                                                                                               |                   | 2                  | Harding, J.                                       | 13                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 220                                                                                               |                   | 1                  | Wrangler Meadows <sup>11</sup>                    | 2                                  |                     | 0.39                       | 7.2000                   |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 221                                                                                               |                   | 1                  | Hein, P./Hein Family Trust                        | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 301                                                                                               | 46                | 1                  | Carran                                            | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 302                                                                                               |                   | 1                  | Block/Radford                                     | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 303                                                                                               |                   | 1                  | Ellis/Sylvandale                                  | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 304                                                                                               | 32                | 1                  | Hull (Booten/Crown Water)                         | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 305                                                                                               |                   | 1                  | Stephenson                                        | 9                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 306                                                                                               |                   | 1                  | CDOW                                              | 7                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 307a                                                                                              |                   | 1                  | Stephens                                          | 7                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           | 3.5                           |                               |                          |                     |                         |                                               |                                                 |                                             |
| 307b                                                                                              |                   | 1                  | Stephens                                          | 10                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 308                                                                                               |                   | 1                  | DeVries/McCauley                                  | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 309                                                                                               |                   | 1                  | Jaskowski (1031 Land)                             | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               | 2                             |                          |                     |                         |                                               |                                                 |                                             |
| 310                                                                                               |                   | 5                  | Mathews                                           | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 311                                                                                               |                   | 5                  | Seventh Day Adv                                   | 4.5                                | 0.47708             |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 312                                                                                               |                   | 1                  | Rocky Mtn Fuel                                    | 19                                 |                     |                            |                          |                            |                                                    | 0                                                                      | 18                        |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 313                                                                                               |                   | 5                  | Abrams                                            | 9                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 314                                                                                               |                   | 1                  | Pleasant View Acres                               | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                   |                    |                                               |                                    |                     |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|---------------------------------------------------------------------------------------------------|-------------------|--------------------|-----------------------------------------------|------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No.                                                                                      | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                            | Historical Water Supply (Baseline) |                     |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|                                                                                                   |                   |                    |                                               | No. of Home Supply Shares          | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)                                                                                               | (2)               | (3)                | (4)                                           | (5)                                | (6)                 | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 315                                                                                               |                   | 4                  | Coleman/Cumpston/Murray/Kowski                | 7.5                                |                     |                            |                          |                            |                                                    | 0                                                                      | 2                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 316                                                                                               |                   | 1                  | Bader                                         | 14                                 |                     |                            |                          |                            |                                                    | 14                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 317                                                                                               | 61                | 1                  | Haggerty                                      | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 318                                                                                               |                   | 2                  | Bath,G.                                       | 6                                  |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 319                                                                                               |                   | 2                  | Daily                                         | 5                                  |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 320                                                                                               |                   | 4                  | Phillips                                      | 7                                  |                     |                            |                          |                            |                                                    | 2                                                                      | 5                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 321                                                                                               |                   | 4                  | Hale/Mucklow/Kasubke/Fellows/Bukowski         | 16.5                               |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 322                                                                                               |                   | 1                  | Rodman                                        | 0.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 323                                                                                               |                   | 1                  | Roberts, B.                                   | 0.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 324                                                                                               |                   | 1                  | Hodge                                         | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 325                                                                                               |                   | 1                  | Foxhaven HOA                                  | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 326                                                                                               |                   | 1                  | Mazur/M&M LTD                                 | 5                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 327                                                                                               |                   | 1                  | McMillan                                      | 2                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 328                                                                                               |                   | 1                  | Cole                                          | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 329                                                                                               |                   | 1                  | Mielke (K&B)                                  | 5                                  |                     |                            |                          |                            |                                                    | 1                                                                      | 4                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 330                                                                                               |                   | 1                  | Gibson                                        | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 331                                                                                               |                   | 1                  | Mattoon (Canyon MRD)                          | 0.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 332                                                                                               |                   | 5                  | Fishko/Olson/Cornelius                        | 2                                  |                     |                            |                          |                            |                                                    | 0.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 333                                                                                               |                   | 1                  | Backes                                        | 6.25                               |                     |                            |                          |                            |                                                    | 5.25                                                                   |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 334                                                                                               |                   | 5                  | Dunkin (Duncan)                               | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           | 1.5                           |                               |                          |                     |                         |                                               |                                                 |                                             |
| 335                                                                                               |                   | 2                  | Valliere                                      | 3                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 336                                                                                               |                   | 1                  | Freeman                                       | 0.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 337                                                                                               |                   | 1                  | DeMoss/Milligan                               | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 338                                                                                               |                   | 1                  | Lenart                                        | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 339                                                                                               |                   | 1                  | Skaer                                         | 22.5                               |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 340                                                                                               |                   | 1                  | Trindle                                       | 10                                 |                     |                            |                          |                            |                                                    | 10                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 341                                                                                               |                   | 1                  | Schwarz                                       | 11                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 342                                                                                               |                   | 4                  | Swanson                                       | 9                                  |                     |                            |                          |                            |                                                    | 9                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 343                                                                                               |                   | 2                  | Ulhman/Merganthal                             | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 344                                                                                               |                   | 4                  | Mast                                          | 9                                  |                     |                            |                          |                            |                                                    | 0                                                                      | 4                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 345                                                                                               |                   | 2                  | Rocky Mtn Fuel                                | 13.5                               |                     |                            |                          |                            |                                                    | 13.5                                                                   |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 346                                                                                               |                   | 2                  | Kieger                                        | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 347                                                                                               |                   | 1                  | Heise                                         | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 348                                                                                               |                   | 1                  | Ellis, L.                                     | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 349                                                                                               | 2BT               | 2                  | Gerrard (Allied Mrtg)                         | 7.25                               |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 350                                                                                               |                   | 2                  | Baum/Morger                                   | 1.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 351                                                                                               |                   | 2                  | Read                                          | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 352                                                                                               |                   | 2                  | Channell                                      | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 353                                                                                               |                   | 2                  | Murdock                                       | 10                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 354                                                                                               |                   | 2                  | Berling                                       | 4                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 355                                                                                               |                   | 2                  | Geist                                         | 9.5                                |                     |                            |                          |                            |                                                    | 4.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 356                                                                                               |                   | 2                  | Sheffler                                      | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 357                                                                                               |                   | 2                  | Boyd/Borba Dairies                            | 4                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 358                                                                                               |                   | 2                  | O'Conner                                      | 3                                  |                     |                            |                          |                            |                                                    | 0                                                                      | 2                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 359                                                                                               |                   | 2                  | Olson Sandra Trust/Pulliam Trust <sup>4</sup> | 28                                 | 0.46667             | 1.68                       | 39.71                    | 0.42                       |                                                    | 0                                                                      |                           | 27                            |                               | 0.46667                  |                     |                         | 1.68                                          |                                                 | 39.71                                       |
| 360                                                                                               |                   | 5                  | Starck,R.P.                                   | 19                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 361                                                                                               |                   | 2                  | McCreery                                      | 6                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 362                                                                                               |                   | 2                  | Schmoll                                       | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 363                                                                                               |                   | 2                  | Carlson, R.                                   | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 364                                                                                               |                   | 2                  | Carlisle HOA                                  | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 365                                                                                               |                   | 2                  | Hach                                          | 7                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 366                                                                                               |                   | 2                  | Scheck                                        | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 367                                                                                               |                   | 2                  | Blackledge                                    | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 368                                                                                               |                   | 2                  | Hocker                                        | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                   |                    |                                                     |                                    |                     |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|---------------------------------------------------------------------------------------------------|-------------------|--------------------|-----------------------------------------------------|------------------------------------|---------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No.                                                                                      | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                                  | Historical Water Supply (Baseline) |                     |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|                                                                                                   |                   |                    |                                                     | No. of Home Supply Shares          | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)                                                                                               | (2)               | (3)                | (4)                                                 | (5)                                | (6)                 | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 369                                                                                               |                   | 2                  | Cumpston & Tate                                     | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 370                                                                                               |                   | 2                  | Pilant, D&R                                         | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 371                                                                                               |                   | 2                  | Brehm                                               | 19.5                               | 0.33333             |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 372                                                                                               |                   | 5                  | Zimmerman, Henry                                    | 19                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 373                                                                                               |                   | 5                  | Sauer                                               | 22                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 374                                                                                               |                   | 5                  | Held/Vail                                           | 17                                 |                     |                            |                          |                            |                                                    | 4                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 375                                                                                               |                   | 5                  | Goodere/Held                                        | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 376                                                                                               |                   | 5                  | Fickel                                              | 38                                 |                     |                            |                          |                            |                                                    | 3                                                                      | 10                        |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 377                                                                                               |                   | 5                  | Kroonenberg                                         | 8                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 378                                                                                               |                   | 5                  | Wilson                                              | 8                                  |                     |                            |                          |                            |                                                    | 8                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 379                                                                                               |                   | 5                  | Willow Creek Water Users                            | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 380                                                                                               |                   | 5                  | Winders                                             | 5                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 381                                                                                               |                   | 5                  | South Valley Drive, LLC                             | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 382                                                                                               |                   | 5                  | Betz,C. (Little Thompson Farm)                      | 6                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 383                                                                                               |                   | 3                  | Waggoner                                            | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 384                                                                                               | 140               | 5                  | Starck,R.F. <sup>10</sup>                           | 5                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 385                                                                                               |                   | 3                  | Schwalm                                             | 7                                  |                     |                            |                          |                            |                                                    | 0                                                                      | 5                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 386                                                                                               |                   | 3                  | Purvis                                              | 11                                 |                     |                            |                          |                            |                                                    | 11                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 387                                                                                               |                   | 5                  | Nelson,P.                                           | 12                                 |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 388                                                                                               |                   | 5                  | Rieder (2)/Weld & Larimer School Dist. (5)          | 7                                  |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 389                                                                                               |                   | 2                  | Betz,S&P                                            | 13                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 390                                                                                               |                   | 2                  | Laune                                               | 23                                 |                     |                            |                          |                            |                                                    | 16                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 391                                                                                               |                   | 2                  | TeVelde                                             | 1                                  |                     |                            | 47.1                     |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 392                                                                                               |                   | 2/3                | Chase                                               | 7.5                                |                     |                            |                          |                            |                                                    | 4.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 393                                                                                               |                   | 2/3                | Betz,E.                                             | 12                                 |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 394                                                                                               |                   | 2                  | Sparks                                              | 6                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 395                                                                                               |                   | 2                  | Anderson Farms/Loveland Dev Fund                    | 22                                 | 0.33333             |                            |                          |                            |                                                    | 6                                                                      |                           |                               |                               | 0.33333                  |                     |                         |                                               |                                                 |                                             |
| 396                                                                                               |                   | 2                  | Ryan/Weins                                          | 13                                 |                     |                            |                          |                            |                                                    | 5                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 397                                                                                               |                   | 2                  | LaPaz HOA                                           | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 398                                                                                               |                   | 2                  | Robbins                                             | 1                                  |                     |                            |                          |                            |                                                    | 1                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 399                                                                                               |                   | 2                  | Nelson,L.                                           | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 400                                                                                               |                   | 2                  | Hoover/Smith                                        | 2                                  |                     |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 401                                                                                               |                   | 2                  | Hienessy                                            | 8                                  |                     |                            |                          |                            |                                                    | 7                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 402                                                                                               |                   | 2                  | Pfenning                                            | 20                                 |                     |                            |                          |                            |                                                    | 3                                                                      | 11                        |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 403                                                                                               |                   | 2                  | M&J Dairy                                           | 12                                 |                     |                            |                          |                            |                                                    | 1                                                                      | 11                        |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 404                                                                                               | 7BT               | 2                  | Ehrlrich/Klein (DeGroot) (COL BTDMC)                | 15.5                               | 0.04167             |                            |                          |                            |                                                    | 0                                                                      |                           | 9.5                           |                               |                          |                     | 0.04167                 |                                               |                                                 |                                             |
| 405                                                                                               |                   | 2                  | Calvillio/Richman/Shirey/Banks                      | 4                                  |                     |                            |                          |                            |                                                    | 3.5                                                                    |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 406                                                                                               |                   | 5                  | Miller, H.                                          | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 407                                                                                               |                   | 1                  | Hopkins/Roitsch/Moneypenny                          | 2                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 408                                                                                               |                   | 2                  | Mountain View Farms <sup>13</sup>                   | 3                                  |                     | 1.00                       | 36.1                     |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 409                                                                                               |                   | 1                  | Patterson HOA (Colson)                              | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 410                                                                                               |                   | 5                  | Deneau, H. (Banks, D.)                              | 0.5                                |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 411                                                                                               |                   | 3                  | Miller, K.                                          | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 412                                                                                               | 3                 | 5                  | Donas/Michall/Schlautman/ Soleta (Lee) <sup>4</sup> | 10                                 |                     | 0.75                       | 17.84                    | 0.19                       |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         | 0.75                                          |                                                 | 17.84                                       |
| 413                                                                                               |                   | 3                  | Folker                                              | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 414                                                                                               |                   | 2                  | Johnson, V./Wagnild                                 | 3                                  |                     |                            |                          |                            |                                                    | 2                                                                      | 1                         |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 415                                                                                               |                   | 1                  | Johnston, G.                                        | 1                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 416                                                                                               |                   | 1                  | VonBernuth, R&C                                     | 5                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 417                                                                                               | 18                | 2                  | Johnson/Taylor Family                               | 4                                  |                     |                            |                          |                            |                                                    | 0                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 418                                                                                               | 23B               | 2                  | Dollaghan, M.                                       | 4                                  |                     |                            |                          |                            |                                                    | 3                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                                                               |                   |                    |                                                 | SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                                                                                                             |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|---------------------------------------------------------------|-------------------|--------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------|----------------------------|--------------------------|----------------------------|----------------------------------------------------|------------------------------------------------------------------------|---------------------------|-------------------------------|-------------------------------|--------------------------|---------------------|-------------------------|-----------------------------------------------|-------------------------------------------------|---------------------------------------------|
| Map Ref. No.                                                  | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                              | Historical Water Supply (Baseline)                                                                |                                                                                                             |                            |                          |                            |                                                    | Current, Non-Agricultural (aka Municipal) Ownership (as of 12/31/2024) |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
|                                                               |                   |                    |                                                 | No. of Home Supply Shares                                                                         | No. of BTDMC Shares                                                                                         | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) (Johnstown) | No. of Handy Shares (Not Included in Change Cases) | Home Supply Owned by Johnstown                                         | Home Supply Owned by LTWD | Home Supply Owned by Loveland | Home Supply Owned by Berthoud | BTDMC Owned by Johnstown | BTDMC Owned by LTWD | BTDMC Owned by Loveland | Early Koenig or Gard (cfs) Owned by Johnstown | Early Gard (cfs) Owned by Loveland <sup>5</sup> | Late Koenig or Gard (AF) Owned by Johnstown |
| (1)                                                           | (2)               | (3)                | (4)                                             | (5)                                                                                               | (6)                                                                                                         | (7)                        | (8)                      | (9)                        | (10)                                               | (11)                                                                   | (12)                      | (13)                          | (14)                          | (15)                     | (16)                | (17)                    | (18)                                          | (19)                                            | (20)                                        |
| 419                                                           | 52                | 5                  | Stroh, D./Fishburn, B.                          | 4                                                                                                 |                                                                                                             |                            |                          |                            |                                                    | 2                                                                      |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 501                                                           |                   |                    | Hewlett-Packard Company                         | 3                                                                                                 |                                                                                                             |                            |                          |                            |                                                    |                                                                        |                           | 3                             |                               |                          |                     |                         |                                               |                                                 |                                             |
| 502                                                           |                   |                    | Vogel, R. (Bearview/Ravencrest Heights Aug plan | 1                                                                                                 | Share used in an augmentation plan.                                                                         |                            |                          |                            |                                                    |                                                                        |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| 503                                                           |                   | 5                  | Ludlow, E.                                      | 10                                                                                                | Shares leased to Home Supply farmers in exchange for Handy shares. Assigned Systemwide average acres/share. |                            |                          |                            |                                                    | 10                                                                     |                           |                               |                               |                          |                     |                         |                                               |                                                 |                                             |
| Totals of System                                              |                   |                    |                                                 | 1994.75                                                                                           | 7.25623                                                                                                     | 10.00                      | 324.8                    | 1.89                       | 307.41                                             | 706.25                                                                 | 104.75                    | 44.5                          | 2                             | 2.80417                  | 0.33333             | 0.62501                 | 7.61                                          | 1.00                                            | 180.20                                      |
| Totals of Shares changed in 98CW410                           |                   |                    |                                                 | 658.25                                                                                            | 3.13750                                                                                                     | ---                        | ---                      | ---                        | ---                                                | 421.00                                                                 | 1.75                      | 0                             | 0                             | 1.60417                  | 0                   | 0.11667                 | 5.18                                          | 1.00                                            | 122.64                                      |
| Totals of Shares in the Handy Overlap Area (103-145)          |                   |                    |                                                 | 263.5                                                                                             | 1.66665                                                                                                     | ---                        | ---                      | ---                        | 294.41                                             | 46.00                                                                  | 25.00                     | 0.00                          | 0.00                          | 0                        | 0.33333             | 0                       | 0.00                                          | 0.00                                            | 0.00                                        |
| Pulliam Family Koenig, Gard, Rodeffer (20CW3011) <sup>4</sup> |                   |                    |                                                 | 101.5                                                                                             | 2.00000                                                                                                     | 7.61                       | 180.2                    | 1.89                       | 0                                                  | 67.5                                                                   | ---                       | 27                            | ---                           | 1.88334                  | ---                 | ---                     | 7.61                                          | ---                                             | 180.20                                      |
| 250 Parcels                                                   |                   |                    |                                                 | Johnstown "old" shares:                                                                           |                                                                                                             | 6.25                       | 3.33333                  | 90CW202 HS sh:             |                                                    | 6.25                                                                   |                           |                               |                               | 3.33333                  |                     |                         |                                               |                                                 |                                             |
|                                                               |                   |                    |                                                 | CHSDRC:                                                                                           |                                                                                                             | ---                        | 8.07500                  | Total Owned:               |                                                    | 712.5                                                                  | 104.75                    | (Incl. 'Tapley' share)        |                               | 6.13750                  |                     |                         |                                               |                                                 |                                             |

Map Reference Number Code:

Number 1 - 77: Included in 98CW410 (except #53B).

Number 103 - 145: Included in stipulation with Berthoud concerning Handy Ditch Company Shares. (See also Footnote #1 below.)

Number 200 - 419: Additional parcels identified by Delbert Helzer (ca. 2003-2004, to settle Case No. 98CW410).

Numbers greater than 500: see comments.

\_BT: Parcels irrigated by BTDMC shares and included in Case No. 98CW410, updated for Case No. 20CW3011.

| CHSDRC SUMMARY (Par. 13 of 20CW3011 Decree) |           |             |                 |          |
|---------------------------------------------|-----------|-------------|-----------------|----------|
| Case No.                                    | # Parcels | # HS Shares | Ac              | Ac/HS Sh |
| 98CW410 (Johnstown)                         | 72        | 658.25      | 5,135.98        | 7.80     |
| 06CW224 (Johnstown)                         | 29        | 156.50      | 1,256.60        | 8.03     |
| 20CW3011 (Johnstown)                        | 48        | 346.75      | 2,598.03        | 7.49     |
| 21CW3108 (LTWD)                             | 15        | 93.75       | 633.19          | 6.75     |
| Not Included                                | 129.0     | 741.25      | 6,065.88        | 8.18     |
| Totals:                                     | 293.00    | 1,994.75    | 15,678.62       | 7.86     |
| 90CW202 shares:                             |           | 6.25        | 15,678.62 (chk) |          |
| Total CHSDRC shares:                        |           | 2,001.00    |                 |          |

| Priority #1 Summary                                                                                                                                                                                                                                                                                        |                           |                             |              |                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|-----------------------------|--------------|-------------------------|
| Owner                                                                                                                                                                                                                                                                                                      | Early Koenig & Gard (cfs) | Rodeffer (cfs)              | Others (cfs) | Late Koenig & Gard (af) |
| Johnstown                                                                                                                                                                                                                                                                                                  | 7.61                      | 1.89                        |              | 180.20                  |
| Mnt View                                                                                                                                                                                                                                                                                                   | 1.00                      |                             |              | 36.1                    |
| Loveland                                                                                                                                                                                                                                                                                                   | 1.00                      |                             |              | 0                       |
| Others*                                                                                                                                                                                                                                                                                                    | 0.39                      |                             | 2.89         | 108.5                   |
| Totals                                                                                                                                                                                                                                                                                                     | 10.00                     | 1.89                        | 2.89         | 324.80                  |
| Total #1 cfs:                                                                                                                                                                                                                                                                                              | 14.78                     | Tot. AF w/ 36.1 cancelled*: |              | 360.90                  |
| *M. Waggener owns 1 cfs and Johnstown owns 1.89 cfs of Priority No. 1, making up the 14.78 cfs total in the HS system. Others own a total 108.5 AF of Koenig Late and 0.39 cfs of Koenig Early water (Parcels 203, 220, 391). Loveland cancelled 36.1 AF of the Late Gard Contract connected with 07CW325. |                           |                             |              |                         |

<sup>1</sup>The Exhibit A table in the Decree in Case No. 98CW410 reported only the total irrigated acres on each parcel. In this table, Home Supply Acreage on Parcels 103-145 are prorated from the total irrigated acreage reported in 98CW410 by water supply pursuant to the Stipulation with Berthoud in Case No. 98CW410. Yields of Home Supply and Handy shares are 11.56 ac-ft/share, and yield of BTDMC shares is 271.2 ac-ft per share. BTDMC yield taken from Table 5 in the Decree in Case No. 98CW410, and divided in half to account for the Home Supply Company's 50% carriage charge. Yields of Home Supply and Handy taken from Table 2-4 in N. Hobbs report for Case No. 98CW410, dated March 21, 2000.

<sup>2</sup>The proration originally decreed for the Handy Overlap Area was extended to the entire Home Supply System and all water rights (including Priority No. 1) in Case No. 20CW3011.

<sup>3</sup>Parcel 53B was not included in Case No. 98CW410. It is counted with the Additional Parcels.

<sup>4</sup>Representative farms previously owned by the Pulliam Family were assigned the family's Koenig, Gard, and Rodeffer Priority No. 1 water in Case No. 20CW3011. The effective irrigated acres are distributed to each water right on each of these farms based on the overall consumptive use by water right in Case No. 20CW3011.

<sup>5</sup>City of Loveland changed its 1.0 cfs of Gard in Case No. 07CW325. The decreed requires 115 acres to be dried up when Loveland converts to its new uses. Split 32 acres between Farms #43 & 70 based on Loveland and Greeley analyses for settlement, for the purpose of calculating the effective Home Supply acres per share on those farms. Historically there was 36.1 ac-ft connected with Loveland's portion of the Gard contract. Loveland canceled this portion in Case No. 07CW325, and it is not included in this table.

<sup>6</sup>Johnstown changed all 20.75 Johnson/Lawson (#44) HS shares in Case No. 98CW410. LTWD changed 1.75 of the same shares for use in its system in Case No. 21CW3108.

<sup>7</sup>Parcel #60 is in the Buckingham system. These 2 HS shares were traded into the HS system. Changed to systemwide average ac/sh in 20CW3011.

<sup>8</sup>Effective acreage for Parcels 2BT & 7BT changed from 98CW410 Exhibit A Table in 20CW3011 due to cataloging irrigated acreage for each water right in the HS System, and to additional information regarding other water rights used on the parcels. Water rights associated with these parcels compiled from information from Johnstown, Loveland, and BTDMC.

<sup>9</sup>M. Waggener (#128) owns 1 cfs of direct-flow Priority No. 1, not seasonally limited. Used Rodeffer delivery per cfs to adjust Home Supply system acres on Waggener Farm. See Col. 42 for the effective acreage of this private Priority No. 1.

<sup>10</sup>In Case No. 20CW3011, #140 combined into acreage and location of #384, where it was historically used.

<sup>11</sup>'Wrangler Meadows' (#220) effective Home Supply and Koenig acres based on volumetric limits for Early Koenig direct flow water in Case No. 20CW3011 and Home Supply average yield in Case No. 98CW410.

<sup>12</sup>Sauer (#203) Late Koenig water associated with 65.2 acres formerly owned by Elizabeth Koenig.

<sup>13</sup>Mountain View Farms (#408) owns 1 cfs of Early Gard and 36.1 ac-ft of Late Gard water.

<sup>14</sup>Peterson Farm (#125) is partially in both Sector 4 and Sector 5. Proportionately by area, assign 12 shares to Sector 4, 18 shares to Sector 5.

<sup>15</sup>Evans Ranch (#145) is partially in both Sector 4 and Sector 1. Proportionately by area, assign 11 shares to Sector 1, 14 shares to Sector 4.



EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                      |                       |                                                     |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         |                                                                    |                                                           |                                  |                         |            |
|---------------------------------------------------------------------------------------------------|----------------------|-----------------------|-----------------------------------------------------|--------------------------|---------------------------|---------------------------------|------------------------------------|---------------------------|----------------------------------|-----------------------------|-------------------|-------------------------------|-------------------------|--------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------|-------------------------|------------|
| Map Ref.<br>No.                                                                                   | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                  | 98CW410 Water Rights     |                           | 06CW224 Rts                     | Case No. 20CW3011 Water Rights     |                           |                                  |                             |                   | 21CW3108 Water Rights         |                         | No. of Home<br>Supply<br>Shares Not<br>Included in<br>Change Cases | No. BTDMC<br>Shares Not<br>Included in<br>Change<br>Cases | Home<br>Supply<br>share<br>check | BTDMC<br>share<br>check | Location   |
|                                                                                                   |                      |                       |                                                     | Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | No. of Home<br>Supply<br>Shares | No. of<br>Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | Early<br>Koenig or<br>Gard (cfs) | Late Koenig<br>or Gard (AF) | Rodeffer<br>(cfs) | LTWD Home<br>Supply<br>Shares | LTWD<br>BTDMC<br>Shares |                                                                    |                                                           |                                  |                         |            |
| (1)                                                                                               | (2)                  | (3)                   | (4)                                                 | (21)                     | (22)                      | (23)                            | (24)                               | (25)                      | (26)                             | (27)                        | (28)              | (29)                          | (30)                    | (31)                                                               | (32)                                                      | (33)                             | (34)                    | (35)       |
| 1                                                                                                 |                      | 5                     | Woodworth                                           | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0.0000                                                    | 0                                | 0.0000                  | 2-4N-69W   |
| 2                                                                                                 | 8,9,218              | 2                     | Eaton/Abrams                                        | 3                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W  |
| 3                                                                                                 | 412                  | 5                     | Lee, R. <sup>4</sup>                                | 6                        |                           |                                 |                                    |                           | 0.46                             | 10.85                       | 0.11              |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 13-4N-68W  |
| 4                                                                                                 |                      | 1                     | Sarah Orr Mortgage                                  | 5                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 34-5N-69W  |
| 5                                                                                                 |                      | 2                     | Ludwick                                             | 20                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 33-5N-68W  |
| 6                                                                                                 |                      | 5                     | Hayes, C. (Country Acres 6th)                       | 1.75                     |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 8-4N-67W   |
| 7                                                                                                 |                      | 5                     | Johnstown Center 1st                                | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 8-4N-67W   |
| 8                                                                                                 | 2,9,218              | 2                     | Knolls 1st                                          | 3                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W  |
| 9                                                                                                 | 2,8,218              | 2                     | Knolls 2nd                                          | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W  |
| 10                                                                                                |                      | 5                     | Gutenkunst                                          | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 2-4N-69W   |
| 11                                                                                                | 48                   | 5                     | Brown (Rolling Hills 1 & 2)                         | 12                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W   |
| 12                                                                                                |                      | 5                     | Podtburg PUD                                        | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W   |
| 13                                                                                                | 1BT                  | 1                     | Dehn 1 & 2                                          | 0.5                      | 0.15417                   |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0.09167                                                   | 0                                | 0                       | 36-5N-69W  |
| 14                                                                                                |                      | 3                     | Saffell I & II (I-25 Gateway Center)                | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 3-4N-68W   |
| 15                                                                                                |                      | 5                     | Hayes, C. (Country Acres 8th)                       | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 8-4N-67W   |
| 16                                                                                                |                      | 3                     | Sloan                                               | 14                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1-4N-68W   |
| 17                                                                                                |                      | 3                     | Carlson Farm                                        | 20                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1-4N-68W   |
| 18                                                                                                | 417                  | 2                     | Johnson's Corner                                    | 13                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 19                                                                                                |                      | 3                     | Harding                                             | 13                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1,2-4N-68W |
| 20                                                                                                | 5BT                  | 3                     | H Bar H <sup>4</sup>                                | 13                       | 0.80000                   |                                 |                                    |                           | 1.03                             | 24.49                       | 0.26              |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 2-4N-68W   |
| 21                                                                                                |                      | 5                     | Schultz <sup>4</sup>                                | 14                       |                           |                                 |                                    |                           | 1.09                             | 25.89                       | 0.27              |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 11-4N-68W  |
| 22                                                                                                | B                    | 2                     | Larson                                              | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 5-4N-68W   |
| 22                                                                                                | A                    | 5                     | Larson                                              | 9                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 14-4N-68W  |
| 22                                                                                                | C                    | 5                     | Larson                                              | 4                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 13-4N-69W  |
| 23                                                                                                | B 418                | 2                     | Shockley (Redstone Hills)                           | 4                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 28-5N-68W  |
| 24                                                                                                |                      | 5                     | Frye (Ted Yeleck)                                   | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1-4N-69W   |
| 25                                                                                                |                      | 2                     | Yelek                                               | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 26                                                                                                | 47, 3BT, 4BT         | 2                     | Sedona Hills II (Patterson Farm) <sup>4</sup>       | 7.5                      | 0.33333                   |                                 |                                    |                           | 0.82                             | 19.42                       | 0.20              |                               |                         | 0                                                                  | 0.00000                                                   | 0                                | 0                       | 21-5N-68W  |
| 27                                                                                                |                      | 2                     | Chilson                                             | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 29                                                                                                | 23A                  | 5                     | MLD Equities LLC (Cresswell II)                     | 30                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 14-4N-68W  |
| 30                                                                                                |                      | 5                     | Stroh, D. (Rolling Hills Ranch)                     | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-68W   |
| 31                                                                                                |                      | 5                     | Stroh/Busch (Rolling Hills Ranch)                   | 3                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-68W   |
| 32                                                                                                | 304                  | 1                     | Hull/Siegrist (Rolling Hills Ranch)                 | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-69W  |
| 33                                                                                                | 35                   | 2                     | Loveland Ready-Mix                                  | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 34                                                                                                |                      | 2                     | Shockey                                             | 3                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W  |
| 35                                                                                                |                      | 2                     | Cross                                               | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 37                                                                                                | 6BT                  | 2                     | Wiens                                               | 6                        | 0.16666                   |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 22-5N-68W  |
| 38                                                                                                |                      | 2                     | MLD Equities LLC (Hamilton)                         | 16                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 27-5N-68W  |
| 39                                                                                                |                      | 2                     | Nelson                                              | 13                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 40                                                                                                |                      | 2                     | Herrera                                             | 17                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 36-5N-68W  |
| 41                                                                                                |                      | 2                     | Graybill                                            | 4                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 27-5N-68W  |
| 42                                                                                                |                      | 2                     | Benson                                              | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W  |
| 43                                                                                                |                      | 2                     | Larimer County 402, LLC,<br>Trowbridge <sup>5</sup> | 7                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 27-5N-68W  |
| 44                                                                                                |                      | 5                     | Johnson/Lawson <sup>6</sup>                         | 20.75                    |                           |                                 |                                    |                           |                                  |                             |                   | 1.75                          |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 15-4N-68W  |
| 45                                                                                                |                      | 5                     | MLD Equities LLC (Cresswell I)                      | 16                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 22-4N-68W  |
| 46                                                                                                | 301                  | 1                     | Carran (Yelek)                                      | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 11-5N-70W  |
| 48                                                                                                | 11                   | 5                     | Brown (Rolling Hills Ranch)                         | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W   |
| 49                                                                                                |                      | 5                     | Sandberg                                            | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W   |
| 50                                                                                                |                      | 2                     | Cross, Al and Effie                                 | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W  |
| 51                                                                                                |                      | 1                     | Chilson                                             | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 19-5N-69W  |
| 52                                                                                                | 419                  | 5                     | Stroh (Rolling Hills Ranch)                         | 6                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1-4N-69W   |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                      |                       |                                                                              |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         |                                                                    |                                                           |                                  |                         |              |
|---------------------------------------------------------------------------------------------------|----------------------|-----------------------|------------------------------------------------------------------------------|--------------------------|---------------------------|---------------------------------|------------------------------------|---------------------------|----------------------------------|-----------------------------|-------------------|-------------------------------|-------------------------|--------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------|-------------------------|--------------|
| Map Ref.<br>No.                                                                                   | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                                           | 98CW410 Water Rights     |                           | 06CW224 Rts                     | Case No. 20CW3011 Water Rights     |                           |                                  |                             |                   | 21CW3108 Water Rights         |                         | No. of Home<br>Supply<br>Shares Not<br>Included in<br>Change Cases | No. BTDMC<br>Shares Not<br>Included in<br>Change<br>Cases | Home<br>Supply<br>share<br>check | BTDMC<br>share<br>check | Location     |
|                                                                                                   |                      |                       |                                                                              | Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | No. of Home<br>Supply<br>Shares | No. of<br>Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | Early<br>Koenig or<br>Gard (cfs) | Late Koenig<br>or Gard (AF) | Rodeffer<br>(cfs) | LTWD Home<br>Supply<br>Shares | LTWD<br>BTDMC<br>Shares |                                                                    |                                                           |                                  |                         |              |
| (1)                                                                                               | (2)                  | (3)                   | (4)                                                                          | (21)                     | (22)                      | (23)                            | (24)                               | (25)                      | (26)                             | (27)                        | (28)              | (29)                          | (30)                    | (31)                                                               | (32)                                                      | (33)                             | (34)                    | (35)         |
|                                                                                                   |                      |                       |                                                                              |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         |                                                                    |                                                           |                                  |                         |              |
| 53                                                                                                | A                    | 1                     | Myers (Rolling Hills Ranch)                                                  | 1                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-69W    |
| 53                                                                                                | B <sup>3</sup>       | 1                     | Myers, J.                                                                    |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 2                                                                  | 0                                                         | 0                                | 0                       | 35-5N-69W    |
| 54                                                                                                |                      | 5                     | Purdy Trust                                                                  | 39.25                    |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 10,11-4N-68W |
| 55                                                                                                |                      | 1                     | Luxor, LLC (Beirwaltes)                                                      | 8                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 34-5N-69W    |
| 56                                                                                                |                      | 5                     | Spaur                                                                        | 17                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-67W     |
| 57                                                                                                |                      | 1                     | Kelly (Rolling Hills Ranch)                                                  | 7                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0.325                                                     | 0                                | 0                       | 29-5N-68W    |
| 58                                                                                                |                      | 2                     | Saulcy                                                                       | 21.75                    |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 32,33-5N-68W |
| 59                                                                                                |                      | 2                     | Hill                                                                         | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 28-5N-68W    |
| 60                                                                                                |                      | 1                     | Glen Devel, LLC (Rolling Hills Ranch)<br>(Water Traded into HS) <sup>7</sup> | 2                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 21-5N-68W    |
| 61                                                                                                | 317                  | 1                     | Haggerty (Rolling Hills Ranch)                                               | 6                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 29-5N-68W    |
| 62                                                                                                | A                    | 3                     | Massey                                                                       | 8                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 1-4N-68W     |
| 62                                                                                                | B                    | 5                     | Massey                                                                       | 17                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-67W     |
| 63                                                                                                |                      | 1                     | Oil Com Corp.                                                                | 4                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 25-5N-69W    |
| 66                                                                                                | 88T                  | 5                     | W. Johnstown Dvlpmnt LLC<br>(Harroun) <sup>4</sup>                           | 11                       | 0.40000                   |                                 |                                    |                           | 0.87                             | 20.64                       | 0.22              |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 12-4N-68W    |
| 67                                                                                                |                      | 5                     | Maplewood Acres (Lewis)                                                      | 21                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-67W     |
| 69                                                                                                |                      | 2                     | Tarum                                                                        | 6                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W    |
| 70                                                                                                |                      | 5                     | Markham, B. <sup>5</sup>                                                     | 9.5                      |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 15-4N-68W    |
| 71                                                                                                |                      | 5                     | Markham, W.                                                                  | 20                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 15-4N-68W    |
| 72                                                                                                |                      | 1                     | Gilstrap                                                                     | 9                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 29-5N-68W    |
| 73                                                                                                |                      | 4                     | Olander                                                                      | 9.25                     |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 32-5N-68W    |
| 74                                                                                                |                      | 2                     | Johnson, Rick                                                                | 5                        |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 28-5N-68W    |
| 75                                                                                                | 134                  | 5                     | Cannon                                                                       | 10                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 16-4N-68W    |
| 77(5)                                                                                             |                      | 5                     | Veeman (Seg. 5)                                                              | 19                       |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 10-4N-68W    |
| 77(3)                                                                                             |                      | 3                     | (Veeman) Saffel No. 2 (Seg. 3) <sup>4</sup>                                  | 12                       |                           |                                 |                                    |                           | 0.90                             | 21.34                       | 0.22              |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 3-4N-68W     |
| 28T                                                                                               | 349                  | 2                     | Fischer d/b/a Allied Mortgage <sup>8</sup>                                   |                          | 0.40000                   |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 28-5N-68W    |
| 78T                                                                                               | 404                  | 2                     | Ehrlich, P. <sup>8</sup>                                                     |                          | 0.46667                   |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 27-5N-68W    |
| 103                                                                                               |                      | 5                     | Carson, Swanson & Shae                                                       |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-68W     |
| 104                                                                                               | 105,106              | 5                     | Hein, W. Hein, Ray Hein & Hein<br>Family Trust                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 6                                                                  | 0                                                         | 0                                | 0                       | 7-4N-68W     |
| 109                                                                                               |                      | 5                     | Ritter, W.                                                                   |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0.33333                                                   | 0                                | 0                       | 7-4N-68W     |
| 110                                                                                               |                      | 5                     | Kennedy, T.                                                                  |                          |                           |                                 | 8                                  |                           |                                  |                             |                   |                               |                         | 2                                                                  | 0.33333                                                   | 0                                | 0                       | 7-4N-68W     |
| 111                                                                                               |                      | 5                     | Schultz, H.                                                                  |                          |                           | 4                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 7-4N-68W     |
| 112                                                                                               |                      | 5                     | Schooley (B.Hein)                                                            |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 3                                                                  | 0                                                         | 0                                | 0                       | 12-4N-69W    |
| 113                                                                                               |                      | 5                     | Miller Ventures                                                              |                          |                           |                                 | 6                                  |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 12-4N-69W    |
| 115                                                                                               |                      | 5                     | Jones, Carolyn                                                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 7                                                                  | 0                                                         | 0                                | 0                       | 18-4N-68W    |
| 116                                                                                               |                      | 5                     | Kasperbauer, V.                                                              |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0.5                                                                | 0                                                         | 0                                | 0                       | 18-4N-68W    |
| 117                                                                                               |                      | 5                     | Enright, D.                                                                  |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 18-4N-68W    |
| 118                                                                                               |                      | 5                     | Lobban, D. (York)                                                            |                          |                           | 1                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 13-4N-69W    |
| 119                                                                                               |                      | 5                     | Mayo, M.                                                                     |                          |                           |                                 |                                    |                           |                                  |                             |                   | 1                             |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-68W     |
| 120                                                                                               |                      | 5                     | Ketner, C.                                                                   |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 6-4N-68W     |
| 121                                                                                               |                      | 5                     | Johnson, B. New Day Sunrise                                                  |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 20-4N-68W    |
| 122                                                                                               |                      | 5                     | Sanchez, T.                                                                  |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 8-4N-68W     |
| 123                                                                                               |                      | 4                     | Schrage/Forman                                                               |                          |                           | 1                               | 1                                  |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 5-4N-68W     |
| 124                                                                                               |                      | 4                     | Elmquist Brothers                                                            |                          |                           |                                 | 9                                  |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 32-5N-68W    |
| 125                                                                                               |                      | 4/5                   | Peterson Farm <sup>14</sup>                                                  |                          |                           |                                 | 29                                 |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 5-4N-68W     |
| 126                                                                                               |                      | 5                     | Grelp Farms (LTWD)                                                           |                          |                           |                                 |                                    |                           |                                  |                             |                   | 14                            | 0.33333                 | 0                                                                  | 0                                                         | 0                                | 0                       | 8,5-4N-68W   |
| 127                                                                                               |                      | 5                     | Campbell, D.                                                                 |                          |                           | 7                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 8-4N-68W     |
| 128                                                                                               |                      | 5                     | Waggener, M. <sup>9</sup>                                                    |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 28.5                                                               | 0                                                         | 0                                | 0                       | 8,17-4N-68W  |
| 129                                                                                               |                      | 5                     | Olson, G.                                                                    |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 20-4N-68W    |
| 130                                                                                               |                      | 5                     | Cletcher, J. (JOC, LLC)                                                      |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 16                                                                 | 0                                                         | 0                                | 0                       | 21-4N-68W    |
| 131                                                                                               |                      | 5                     | Hoffmeister, J.                                                              |                          |                           | 12                              |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 16-4N-68W    |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                   |                    |                                                    |                      |                     |                           |                                |                     |                            |                          |                |                         |                   |                                                        |                                               |                         |                   |                      |
|---------------------------------------------------------------------------------------------------|-------------------|--------------------|----------------------------------------------------|----------------------|---------------------|---------------------------|--------------------------------|---------------------|----------------------------|--------------------------|----------------|-------------------------|-------------------|--------------------------------------------------------|-----------------------------------------------|-------------------------|-------------------|----------------------|
| Map Ref. No.                                                                                      | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                                 | 98CW410 Water Rights |                     | 06CW224 Rts               | Case No. 20CW3011 Water Rights |                     |                            |                          |                | 21CW3108 Water Rights   |                   | No. of Home Supply Shares Not Included in Change Cases | No. BTDMC Shares Not Included in Change Cases | Home Supply share check | BTDMC share check | Location             |
|                                                                                                   |                   |                    |                                                    | Home Supply Shares   | No. of BTDMC Shares | No. of Home Supply Shares | No. of Home Supply Shares      | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) | LTWD Home Supply Shares | LTWD BTDMC Shares |                                                        |                                               |                         |                   |                      |
| (1)                                                                                               | (2)               | (3)                | (4)                                                | (21)                 | (22)                | (23)                      | (24)                           | (25)                | (26)                       | (27)                     | (28)           | (29)                    | (30)              | (31)                                                   | (32)                                          | (33)                    | (34)              | (35)                 |
| 132                                                                                               |                   | 5                  | Koolstra, W.                                       |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 11                                                     | 0                                             | 0                       | 0                 | 21-4N-66W            |
| 133                                                                                               |                   | 5                  | Ostermiller, G.                                    |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 10                                                     | 0                                             | 0                       | 0                 | 16-4N-68W            |
| 134                                                                                               | 75                | 5                  | Cannon, P.                                         |                      |                     |                           |                                |                     |                            |                          |                |                         |                   |                                                        |                                               |                         | 0                 | 16-4N-68W            |
| 135                                                                                               |                   | 5                  | Weis, F.                                           |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 9.5                                                    | 0                                             | 0                       | 0                 | 9-4N-68W             |
| 136                                                                                               |                   | 5                  | Fickel, R.B.                                       |                      |                     |                           | 2.75                           |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 9-4N-68W             |
| 137                                                                                               |                   | 4                  | Gentry, J.                                         |                      |                     | 2                         | 7                              |                     |                            |                          |                |                         |                   | 2                                                      | 0                                             | 0                       | 0                 | 5-4N-68W & 32-5N-68W |
| 138                                                                                               | 139               | 2                  | Frink, T. (Olson, D.)                              |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 1                                                      | 0                                             | 0                       | 0                 | 5-4N-68W             |
| 139                                                                                               | 138               | 2                  | Beemer/McEntee                                     |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 1                                                      | 0                                             | 0                       | 0                 | 5-4N-68W             |
| 140                                                                                               | 384               | 5                  | Starck, L. (see #384, Starck, R.) <sup>10</sup>    |                      |                     |                           | 1                              |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 18-4N-67W            |
| 141                                                                                               |                   | 5                  | Smith, H.                                          |                      |                     |                           | 2                              |                     |                            |                          |                |                         |                   | 5                                                      | 0                                             | 0                       | 0                 | 8-4N-68W             |
| 142                                                                                               |                   | 5                  | Zimmerman Bros.                                    |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 9.75                                                   | 0                                             | 0                       | 0                 | 9-4N-68W             |
| 143                                                                                               |                   | 2                  | Kiehn, D.D./LTWD                                   |                      |                     |                           |                                |                     |                            |                          |                | 10                      |                   | 3                                                      | 0.33333                                       | 0                       | 0                 | 4-4N-68W             |
| 144                                                                                               |                   | 2                  | Carlson, Swanson & Shea                            |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 6.5                                                    | 0.33333                                       | 0                       | 0                 | 4-4N-68W             |
| 145                                                                                               |                   | 4/1                | Bunker, J. & Young, E. (Evans Ranch) <sup>15</sup> |                      |                     |                           | 24                             |                     |                            |                          |                |                         |                   | 1                                                      | 0                                             | 0                       | 0                 | 29,31,32-5N-68W      |
| 200                                                                                               |                   | 5                  | Markham,K.                                         |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 30                                                     | 0                                             | 0                       | 0                 | 16-4N-68W            |
| 201                                                                                               |                   | 2                  | Lee/Summers                                        |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 22                                                     | 0                                             | 0                       | 0                 | 34-5N-68W            |
| 202                                                                                               |                   | 3                  | Cito, B.                                           |                      |                     | 4                         |                                |                     |                            |                          |                |                         |                   | 12                                                     | 0                                             | 0                       | 0                 | 1-4N-68W             |
| 203                                                                                               |                   | 3                  | Sauer <sup>12</sup>                                |                      |                     |                           | 7                              |                     |                            | 54.2                     |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 31-5N-67W            |
| 204                                                                                               |                   | 3                  | Klein (Leinweber/Klein)                            |                      |                     | 18                        |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 2-4N-68W             |
| 205                                                                                               |                   | 3                  | Klein (Leinweber)                                  |                      |                     | 3                         |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 1-4N-68W             |
| 206                                                                                               |                   | 2                  | Klein, R./Davis, T./Baum, T. (Borland)             |                      |                     | 1                         |                                |                     |                            |                          |                |                         |                   | 7                                                      | 0                                             | 0                       | 0                 | 34-5N-68W            |
| 207                                                                                               |                   |                    | Deleted                                            | ---                  |                     | ---                       |                                |                     |                            |                          |                |                         |                   |                                                        |                                               |                         |                   | ---                  |
| 208                                                                                               |                   |                    | Deleted                                            | ---                  |                     | ---                       |                                |                     |                            |                          |                |                         |                   |                                                        |                                               |                         |                   | ---                  |
| 209                                                                                               |                   | 5                  | Martin Oil                                         |                      |                     | 15                        |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 22-4N-68W            |
| 210                                                                                               |                   | 5                  | Hart Farm                                          |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 3                                                      | 0                                             | 0                       | 0                 | 15-4N-68W            |
| 211                                                                                               |                   | 2                  | Gutierrez                                          |                      |                     | 4                         |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 23-5N-68W            |
| 212                                                                                               |                   | 2/3                | Wind, F.                                           |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 26.5                                                   | 0                                             | 0                       | 0                 | 31-5N-67W            |
| 213                                                                                               |                   | 5                  | Bien, T./Keto, J.                                  |                      |                     |                           | 24                             |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 7-4N-67W             |
| 214                                                                                               |                   | 1                  | Adams, M.                                          |                      |                     | 0.5                       |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 35-5N-69W            |
| 215                                                                                               |                   | 3                  | Hamilton DWD                                       |                      |                     |                           | 20                             |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 2-4N-68W             |
| 216                                                                                               |                   | 5                  | Clark, S.                                          |                      |                     |                           | 2                              |                     |                            |                          |                | 4                       |                   | 5                                                      | 0                                             | 0                       | 0                 | 13-4N-68W            |
| 217                                                                                               |                   | 5                  | Sauer, H.                                          |                      |                     |                           | 13                             | 0.8                 |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 12-4N-68W            |
| 218                                                                                               | 2,8,9             | 2                  | Hill/Sidi/Garrelts                                 |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 3                                                      | 0                                             | 0                       | 0                 | 26-5N-68W            |
| 219                                                                                               |                   | 2                  | Harding, J.                                        |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 13                                                     | 0                                             | 0                       | 0                 | 25-5N-68W            |
| 220                                                                                               |                   | 1                  | Wrangler Meadows <sup>11</sup>                     |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 2                                                      | 0                                             | 0                       | 0                 | 36-5N-69W            |
| 221                                                                                               |                   | 1                  | Hein, P./Hein Family Trust                         |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 6                                                      | 0                                             | 0                       | 0                 | 35-5N-69W            |
| 301                                                                                               | 46                | 1                  | Carran                                             |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 4                                                      | 0                                             | 0                       | 0                 | 11-5N-70W            |
| 302                                                                                               |                   | 1                  | Block/Radford                                      |                      |                     |                           | 2                              |                     |                            |                          |                |                         |                   | 1                                                      | 0                                             | 0                       | 0                 | 11-5N-70W            |
| 303                                                                                               |                   | 1                  | Ellis/Sylvandale                                   |                      |                     | 1                         |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 11-5N-70W            |
| 304                                                                                               | 32                | 1                  | Hull (Booten/Crown Water)                          |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 2                                                      | 0                                             | 0                       | 0                 | 35-5N-69W            |
| 305                                                                                               |                   | 1                  | Stephenson                                         |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 9                                                      | 0                                             | 0                       | 0                 | 29-5N-69W            |
| 306                                                                                               |                   | 1                  | CDOW                                               |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 7                                                      | 0                                             | 0                       | 0                 | 29-5N-69W            |
| 307a                                                                                              |                   | 1                  | Stephens                                           |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 7                                                      | 0                                             | 0                       | 0                 | 33-5N-69W            |
| 307b                                                                                              |                   | 1                  | Stephens                                           |                      |                     |                           | 8                              |                     |                            |                          |                |                         |                   | 2                                                      | 0                                             | 0                       | 0                 | 33-5N-69W            |
| 308                                                                                               |                   | 1                  | DeVries/McCauley                                   |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 6                                                      | 0                                             | 0                       | 0                 | 33-5N-69W            |
| 309                                                                                               |                   | 1                  | Jaskowski (1031 Land)                              |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 2                                                      | 0                                             | 0                       | 0                 | 4-4N-69W             |
| 310                                                                                               |                   | 5                  | Mathews                                            |                      |                     |                           | 2                              |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 2-4N-69W             |
| 311                                                                                               |                   | 5                  | Seventh Day Adv                                    |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 4.5                                                    | 0.47708                                       | 0                       | 0                 | 2-4N-69W             |
| 312                                                                                               |                   | 1                  | Rocky Mtn Fuel                                     |                      |                     |                           |                                |                     |                            |                          |                | 18                      |                   | 1                                                      | 0                                             | 0                       | 0                 | 1-4N-69W             |
| 313                                                                                               |                   | 5                  | Abrams                                             |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 9                                                      | 0                                             | 0                       | 0                 | 1-4N-69W             |
| 314                                                                                               |                   | 1                  | Pleasant View Acres                                |                      |                     |                           |                                |                     |                            |                          |                |                         |                   | 6                                                      | 0                                             | 0                       | 0                 | 6-4N-68W             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                             |                              |                                               |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 |                                                                            |                                                                   |                                          |                                 |                  |
|---------------------------------------------------------------------------------------------------|-----------------------------|------------------------------|-----------------------------------------------|----------------------------------|-----------------------------------|-----------------------------------------|--------------------------------------------|-----------------------------------|------------------------------------------|-------------------------------------|---------------------------|---------------------------------------|---------------------------------|----------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------|---------------------------------|------------------|
| Map Ref.<br>No.<br>(1)                                                                            | Related<br>Parcel(s)<br>(2) | Return Flow<br>Sector<br>(3) | Owner/Former Owner<br>(4)                     | 98CW410 Water Rights             |                                   | 06CW224 Rts                             | Case No. 20CW3011 Water Rights             |                                   |                                          |                                     |                           | 21CW3108 Water Rights                 |                                 | No. of Home<br>Supply<br>Shares Not<br>Included in<br>Change Cases<br>(31) | No. BTDMC<br>Shares Not<br>Included in<br>Change<br>Cases<br>(32) | Home<br>Supply<br>share<br>check<br>(33) | BTDMC<br>share<br>check<br>(34) | Location<br>(35) |
|                                                                                                   |                             |                              |                                               | Home<br>Supply<br>Shares<br>(21) | No. of<br>BTDMC<br>Shares<br>(22) | No. of Home<br>Supply<br>Shares<br>(23) | No. of<br>Home<br>Supply<br>Shares<br>(24) | No. of<br>BTDMC<br>Shares<br>(25) | Early<br>Koenig or<br>Gard (cfs)<br>(26) | Late Koenig<br>or Gard (AF)<br>(27) | Rodeffer<br>(cfs)<br>(28) | LTWD Home<br>Supply<br>Shares<br>(29) | LTWD<br>BTDMC<br>Shares<br>(30) |                                                                            |                                                                   |                                          |                                 |                  |
|                                                                                                   |                             |                              | Coleman/Cumpston/<br>Murray/Kowski            |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           | 2                                     |                                 | 5.5                                                                        | 0                                                                 | 0                                        | 0                               | 6-4N-68W         |
| 315                                                                                               |                             | 4                            |                                               |                                  |                                   |                                         | 14                                         |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 31-5N-68W        |
| 316                                                                                               | 61                          | 1                            | Bader                                         |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 29-5N-68W        |
| 317                                                                                               |                             | 1                            | Haggerty                                      |                                  |                                   |                                         | 6                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 22-5N-68W        |
| 318                                                                                               |                             | 2                            | Bath,G.                                       |                                  |                                   |                                         | 5                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 22-5N-68W        |
| 319                                                                                               |                             | 2                            | Daily                                         |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 6-4N-68W         |
| 320                                                                                               |                             | 4                            | Phillips                                      |                                  |                                   | 2                                       |                                            |                                   |                                          |                                     |                           | 5                                     |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               |                  |
|                                                                                                   |                             |                              | Hale/Mucklow/Kasubke/<br>Fellows/Bukowski     |                                  |                                   |                                         | 3                                          |                                   |                                          |                                     |                           |                                       |                                 | 13.5                                                                       | 0                                                                 | 0                                        | 0                               | 31-5N-68W        |
| 321                                                                                               |                             | 4                            |                                               |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0.5                                                                        | 0                                                                 | 0                                        | 0                               | 19-5N-69W        |
| 322                                                                                               |                             | 1                            | Rodman                                        |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0.5                                                                        | 0                                                                 | 0                                        | 0                               | 35-5N-69W        |
| 323                                                                                               |                             | 1                            | Roberts, B.                                   |                                  |                                   |                                         | 1                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 32-5N-69W        |
| 324                                                                                               |                             | 1                            | Hodge                                         |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 6                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-69W        |
| 325                                                                                               |                             | 1                            | Foxhaven HOA                                  |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 34-5N-69W        |
| 326                                                                                               |                             | 1                            | Mazur/M&M LTD                                 |                                  |                                   | 5                                       |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 34-5N-69W        |
| 327                                                                                               |                             | 1                            | McMillan                                      |                                  |                                   |                                         | 2                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 34-5N-69W        |
| 328                                                                                               |                             | 1                            | Cole                                          |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 34-5N-69W        |
| 329                                                                                               |                             | 1                            | Mielke (K&B)                                  |                                  |                                   |                                         | 1                                          |                                   |                                          |                                     |                           | 4                                     |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 26-5N-69W        |
| 330                                                                                               |                             | 1                            | Gibson                                        |                                  |                                   |                                         | 2                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 25-5N-69W        |
| 331                                                                                               |                             | 1                            | Mattoon (Canyon MRD)                          |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0.5                                                                        | 0                                                                 | 0                                        | 0                               | 35-5N-69W        |
| 332                                                                                               |                             | 5                            | Fishko/Olson/Cornelius                        |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 2                                                                          | 0                                                                 | 0                                        | 0                               | 35-5N-69W        |
| 333                                                                                               |                             | 1                            | Backes                                        |                                  |                                   | 6.25                                    |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 36-5N-69W        |
| 334                                                                                               |                             | 5                            | Dunkin (Duncan)                               |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 3                                                                          | 0                                                                 | 0                                        | 0                               | 34-5N-69W        |
| 335                                                                                               |                             | 2                            | Valliere                                      |                                  |                                   |                                         | 3                                          |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 22-5N-68W        |
| 336                                                                                               |                             | 1                            | Freeman                                       |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0.5                                                                        | 0                                                                 | 0                                        | 0                               | 2-4N-69W         |
| 337                                                                                               |                             | 1                            | DeMoss/Milligan                               |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 35-5N-69W        |
| 338                                                                                               |                             | 1                            | Lenart                                        |                                  |                                   |                                         | 2                                          |                                   |                                          |                                     |                           |                                       |                                 | 2                                                                          | 0                                                                 | 0                                        | 0                               | 31-5N-68W        |
| 339                                                                                               |                             | 1                            | Skaer                                         |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 22.5                                                                       | 0                                                                 | 0                                        | 0                               | 30,31-5N-68W     |
| 340                                                                                               |                             | 1                            | Trindle                                       |                                  |                                   |                                         | 10                                         |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 30-5N-68W        |
| 341                                                                                               |                             | 1                            | Schwarz                                       |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 11                                                                         | 0                                                                 | 0                                        | 0                               | 31-5N-68W        |
| 342                                                                                               |                             | 4                            | Swanson                                       |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 9                                                                          | 0                                                                 | 0                                        | 0                               | 32-5N-68W        |
| 343                                                                                               |                             | 2                            | Ulhman/Mergenthal                             |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 3                                                                          | 0                                                                 | 0                                        | 0                               | 23-5N-68W        |
| 344                                                                                               |                             | 4                            | Mast                                          |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           | 4                                     |                                 | 5                                                                          | 0                                                                 | 0                                        | 0                               | 32-5N-68W        |
| 345                                                                                               |                             | 2                            | Rocky Mtn Fuel                                |                                  |                                   |                                         | 12.5                                       |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 346                                                                                               |                             | 2                            | Kieger                                        |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 347                                                                                               |                             | 1                            | Heise                                         |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 29-5N-68W        |
| 348                                                                                               |                             | 1                            | Ellis, L.                                     |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 2                                                                          | 0                                                                 | 0                                        | 0                               | 20-5N-68W        |
| 349                                                                                               | 28T                         | 2                            | Gerrard (Allied Mrtg)                         |                                  |                                   | 7.25                                    |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 350                                                                                               |                             | 2                            | Baum/Morger                                   |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1.5                                                                        | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 351                                                                                               |                             | 2                            | Read                                          |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 3                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 352                                                                                               |                             | 2                            | Channell                                      |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 3                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 353                                                                                               |                             | 2                            | Murdock                                       |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 10                                                                         | 0                                                                 | 0                                        | 0                               | 34-5N-68W        |
| 354                                                                                               |                             | 2                            | Berling                                       |                                  |                                   |                                         | 3                                          |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 27-5N-68W        |
| 355                                                                                               |                             | 2                            | Geist                                         |                                  |                                   | 9.5                                     |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 27-5N-68W        |
| 356                                                                                               |                             | 2                            | Sheffler                                      |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 27-5N-68W        |
| 357                                                                                               |                             | 2                            | Boyd/Borba Dairies                            |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 4                                                                          | 0                                                                 | 0                                        | 0                               | 27-5N-68W        |
| 358                                                                                               |                             | 2                            | O'Conner                                      |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           | 2                                     |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 27-5N-68W        |
| 359                                                                                               |                             | 2                            | Olson Sandra Trust/Pulliam Trust <sup>4</sup> |                                  |                                   |                                         |                                            | 0.46667                           | 1.68                                     | 39.71                               | 0.42                      |                                       |                                 | 28                                                                         | 0                                                                 | 0                                        | 0                               | 21,28-5N-68W     |
| 360                                                                                               |                             | 5                            | Starck,R.P.                                   |                                  |                                   | 19                                      |                                            |                                   |                                          |                                     |                           |                                       |                                 | 0                                                                          | 0                                                                 | 0                                        | 0                               | 11-4N-68W        |
| 361                                                                                               |                             | 2                            | McCreery                                      |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 6                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 362                                                                                               |                             | 2                            | Schmoll                                       |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 2                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 363                                                                                               |                             | 2                            | Carlson, R.                                   |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 4                                                                          | 0                                                                 | 0                                        | 0                               | 28-5N-68W        |
| 364                                                                                               |                             | 2                            | Carlisle HOA                                  |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 4                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 365                                                                                               |                             | 2                            | Hach                                          |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 7                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 366                                                                                               |                             | 2                            | Scheck                                        |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 367                                                                                               |                             | 2                            | Blackledge                                    |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |
| 368                                                                                               |                             | 2                            | Hocker                                        |                                  |                                   |                                         |                                            |                                   |                                          |                                     |                           |                                       |                                 | 1                                                                          | 0                                                                 | 0                                        | 0                               | 33-5N-68W        |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                      |                       |                                                        |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         |                                                                    |                                                           |                                  |                         |                           |
|---------------------------------------------------------------------------------------------------|----------------------|-----------------------|--------------------------------------------------------|--------------------------|---------------------------|---------------------------------|------------------------------------|---------------------------|----------------------------------|-----------------------------|-------------------|-------------------------------|-------------------------|--------------------------------------------------------------------|-----------------------------------------------------------|----------------------------------|-------------------------|---------------------------|
| Map Ref.<br>No.                                                                                   | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                     | 98CW410 Water Rights     |                           | 06CW224 Rts                     | Case No. 20CW3011 Water Rights     |                           |                                  |                             |                   | 21CW3108 Water Rights         |                         | No. of Home<br>Supply<br>Shares Not<br>Included in<br>Change Cases | No. BTDMC<br>Shares Not<br>Included in<br>Change<br>Cases | Home<br>Supply<br>share<br>check | BTDMC<br>share<br>check | Location                  |
|                                                                                                   |                      |                       |                                                        | Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | No. of Home<br>Supply<br>Shares | No. of<br>Home<br>Supply<br>Shares | No. of<br>BTDMC<br>Shares | Early<br>Koenig or<br>Gard (cfs) | Late Koenig<br>or Gard (AF) | Rodeffer<br>(cfs) | LTWD Home<br>Supply<br>Shares | LTWD<br>BTDMC<br>Shares |                                                                    |                                                           |                                  |                         |                           |
| (1)                                                                                               | (2)                  | (3)                   | (4)                                                    | (21)                     | (22)                      | (23)                            | (24)                               | (25)                      | (26)                             | (27)                        | (28)              | (29)                          | (30)                    | (31)                                                               | (32)                                                      | (33)                             | (34)                    | (35)                      |
| 369                                                                                               |                      | 2                     | Cumpston & Tate                                        |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 33-5N-68W                 |
| 370                                                                                               |                      | 2                     | Pilant, D&R                                            |                          |                           |                                 | 1                                  |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 33-5N-68W                 |
| 371                                                                                               |                      | 2                     | Brehm                                                  |                          |                           | 1                               |                                    |                           |                                  |                             |                   |                               |                         | 18.5                                                               | 0.33333                                                   | 0                                | 0                       | 4-4N-68W                  |
| 372                                                                                               |                      | 5                     | Zimmerman, Henry                                       |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 19                                                                 | 0                                                         | 0                                | 0                       | 10-4N-68W                 |
| 373                                                                                               |                      | 5                     | Sauer                                                  |                          |                           |                                 | 22                                 |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 10-4N-68W                 |
| 374                                                                                               |                      | 5                     | Held/Vail                                              |                          |                           | 2                               | 2                                  |                           |                                  |                             |                   |                               |                         | 13                                                                 | 0                                                         | 0                                | 0                       | 12-4N-68W                 |
| 375                                                                                               |                      | 5                     | Goodere/Held                                           |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 6                                                                  | 0                                                         | 0                                | 0                       | 12-4N-68W                 |
| 376                                                                                               |                      | 5                     | Fickel                                                 |                          |                           |                                 | 28                                 |                           |                                  |                             |                   | 10                            |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 11,12-4N-68W              |
| 377                                                                                               |                      | 5                     | Kroonenberg                                            |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 8                                                                  | 0                                                         | 0                                | 0                       | 15-4N-68W                 |
| 378                                                                                               |                      | 5                     | Wilson                                                 |                          |                           | 8                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 23-4N-68W                 |
| 379                                                                                               |                      | 5                     | Willow Creek Water Users                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 16-4N-68W                 |
| 380                                                                                               |                      | 5                     | Winders                                                |                          |                           |                                 | 5                                  |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-68W                  |
| 381                                                                                               |                      | 5                     | South Valley Drive, LLC                                |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 6                                                                  | 0                                                         | 0                                | 0                       | 15-4N-68W                 |
| 382                                                                                               |                      | 5                     | Betz,C. (Little Thompson Farm)                         |                          |                           |                                 | 3                                  |                           |                                  |                             |                   |                               |                         | 3                                                                  | 0                                                         | 0                                | 0                       | 14-4N-68W                 |
| 383                                                                                               |                      | 3                     | Waggoner                                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 2                                                                  | 0                                                         | 0                                | 0                       | 1-4N-68W                  |
| 384                                                                                               | 140                  | 5                     | Starck,R.F. <sup>10</sup>                              |                          |                           | 5                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 18-4N-67W                 |
| 385                                                                                               |                      | 3                     | Schwalm                                                |                          |                           |                                 |                                    |                           |                                  |                             |                   | 5                             |                         | 2                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W                  |
| 386                                                                                               |                      | 3                     | Purvis                                                 |                          |                           |                                 | 11                                 |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 6-4N-67W                  |
| 387                                                                                               |                      | 5                     | Nelson,P.                                              |                          |                           |                                 | 3                                  |                           |                                  |                             |                   |                               |                         | 9                                                                  | 0                                                         | 0                                | 0                       | 5-4N-67W                  |
| 388                                                                                               |                      | 5                     | Rieder (2)/Weld & Larimer School<br>Dist. (5)          |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 7                                                                  | 0                                                         | 0                                | 0                       | 32-5N-67W                 |
| 389                                                                                               |                      | 2                     | Betz,S&P                                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 13                                                                 | 0                                                         | 0                                | 0                       | 31-5N-67W                 |
| 390                                                                                               |                      | 2                     | Laune                                                  |                          |                           | 6                               | 13                                 |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 30-5N-67W & 25-<br>5N-68W |
| 391                                                                                               |                      | 2                     | TeVelde                                                |                          |                           |                                 |                                    |                           |                                  | 47.1                        |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 25-5N-68W                 |
| 392                                                                                               |                      | 2/3                   | Chase                                                  |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 7.5                                                                | 0                                                         | 0                                | 0                       | 36-5N-68W                 |
| 393                                                                                               |                      | 2/3                   | Betz,E.                                                |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 12                                                                 | 0                                                         | 0                                | 0                       | 36-5N-68W                 |
| 394                                                                                               |                      | 2                     | Sparks                                                 |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 6                                                                  | 0                                                         | 0                                | 0                       | 36-5N-68W                 |
| 395                                                                                               |                      | 2                     | Anderson Farms/Loveland Dev<br>Fund                    |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 22                                                                 | 0.33333                                                   | 0                                | 0                       | 36-5N-68W                 |
| 396                                                                                               |                      | 2                     | Ryan/Weins                                             |                          |                           |                                 | 6                                  |                           |                                  |                             |                   |                               |                         | 7                                                                  | 0                                                         | 0                                | 0                       | 25-5N-68W                 |
| 397                                                                                               |                      | 2                     | LaPaz HOA                                              |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 2                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W                 |
| 398                                                                                               |                      | 2                     | Robbins                                                |                          |                           | 1                               |                                    |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 23-5N-68W                 |
| 399                                                                                               |                      | 2                     | Nelson,L.                                              |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W                 |
| 400                                                                                               |                      | 2                     | Hoover/Smith                                           |                          |                           |                                 | 1                                  |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 22-5N-68W                 |
| 401                                                                                               |                      | 2                     | Hienessy                                               |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 8                                                                  | 0                                                         | 0                                | 0                       | 34-5N-68W                 |
| 402                                                                                               |                      | 2                     | Pfenning                                               |                          |                           |                                 |                                    |                           |                                  |                             |                   | 11                            |                         | 9                                                                  | 0                                                         | 0                                | 0                       | 34-5N-68W                 |
| 403                                                                                               |                      | 2                     | M&J Dairy                                              |                          |                           | 1                               |                                    |                           |                                  |                             |                   |                               |                         | 11                                                                 | 0                                                         | 0                                | 0                       | 34-5N-68W                 |
| 404                                                                                               | 7BT                  | 2                     | Ehrlich/Klein (DeGroot) (COL<br>BTDMC)                 |                          |                           | 6                               |                                    |                           |                                  |                             |                   |                               |                         | 9.5                                                                | 0.04167                                                   | 0                                | 0                       | 27-5N-68W                 |
| 405                                                                                               |                      | 2                     | Calvillio/Richman/Shirey/Banks                         |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 26-5N-68W                 |
| 406                                                                                               |                      | 5                     | Miller, H.                                             |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 2                                                                  | 0                                                         | 0                                | 0                       | 6-4N-68W                  |
| 407                                                                                               |                      | 1                     | Hopkins/Roitsch/Moneypenny                             |                          |                           |                                 | 0.5                                |                           |                                  |                             |                   |                               |                         | 1.5                                                                | 0                                                         | 0                                | 0                       | 36-5N-69W                 |
| 408                                                                                               |                      | 2                     | Mountain View Farms <sup>13</sup>                      |                          |                           |                                 | 3                                  |                           | 1.00                             | 36.10                       |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 22-5N-68W                 |
| 409                                                                                               |                      | 1                     | Patterson HOA (Colson)                                 |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 36-5N-69W                 |
| 410                                                                                               |                      | 5                     | Deneau, H. (Banks, D.)                                 |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 0.5                                                                | 0                                                         | 0                                | 0                       | 2-4N-69W                  |
| 411                                                                                               |                      | 3                     | Miller, K.                                             |                          |                           |                                 | 1                                  |                           |                                  |                             |                   |                               |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 2-4N-68W                  |
| 412                                                                                               | 3                    | 5                     | Donas/Michall/Schlautman/ Soleta<br>(Lee) <sup>4</sup> |                          |                           |                                 | 3                                  |                           | 0.75                             | 17.84                       | 0.19              |                               |                         | 7                                                                  | 0                                                         | 0                                | 0                       | 13-4N-68W                 |
| 413                                                                                               |                      | 3                     | Folker                                                 |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 2-4N-68W                  |
| 414                                                                                               |                      | 2                     | Johnson, V./Wagnild                                    |                          |                           |                                 | 2                                  |                           |                                  |                             |                   | 1                             |                         | 0                                                                  | 0                                                         | 0                                | 0                       | 26,27,34,35-5N-<br>68W    |
| 415                                                                                               |                      | 1                     | Johnston, G.                                           |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 1                                                                  | 0                                                         | 0                                | 0                       | 25-5N-69W                 |
| 416                                                                                               |                      | 1                     | VonBernuth, R&C                                        |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 5                                                                  | 0                                                         | 0                                | 0                       | 36-5N-69W                 |
| 417                                                                                               | 18                   | 2                     | Johnson/Taylor Family                                  |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 35-5N-68W                 |
| 418                                                                                               | 23B                  | 2                     | Dollaghan, M.                                          |                          |                           |                                 |                                    |                           |                                  |                             |                   |                               |                         | 4                                                                  | 0                                                         | 0                                | 0                       | 28-5N-68W                 |



**EXHIBIT B (CASE NO. 20CW3011)**  
**HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM**  
**SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES**

|                                                               |                   |                    |                                                 | SECTION A: HISTORICAL SHARES AND OWNERSHIP, CURRENT NON-AG OWNERSHIP, AND CHANGE CASE INFORMATION |                     |                           |                                |                     |                            |                          |                |                         |                   |                                                        |                                               |                         |                   |                       |
|---------------------------------------------------------------|-------------------|--------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------|---------------------|---------------------------|--------------------------------|---------------------|----------------------------|--------------------------|----------------|-------------------------|-------------------|--------------------------------------------------------|-----------------------------------------------|-------------------------|-------------------|-----------------------|
| Map Ref. No.                                                  | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                              | 98CW410 Water Rights                                                                              |                     | 06CW224 Rts               | Case No. 20CW3011 Water Rights |                     |                            |                          |                | 21CW3108 Water Rights   |                   | No. of Home Supply Shares Not Included in Change Cases | No. BTDMC Shares Not Included in Change Cases | Home Supply share check | BTDMC share check | Location              |
|                                                               |                   |                    |                                                 | Home Supply Shares                                                                                | No. of BTDMC Shares | No. of Home Supply Shares | No. of Home Supply Shares      | No. of BTDMC Shares | Early Koenig or Gard (cfs) | Late Koenig or Gard (AF) | Rodeffer (cfs) | LTWD Home Supply Shares | LTWD BTDMC Shares |                                                        |                                               |                         |                   |                       |
| (1)                                                           | (2)               | (3)                | (4)                                             | (21)                                                                                              | (22)                | (23)                      | (24)                           | (25)                | (26)                       | (27)                     | (28)           | (29)                    | (30)              | (31)                                                   | (32)                                          | (33)                    | (34)              | (35)                  |
| 419                                                           | 52                | 5                  | Stroh, D./Fishburn, B.                          |                                                                                                   |                     | 4                         |                                |                     |                            |                          |                |                         |                   | 0                                                      | 0                                             | 0                       | 0                 | 1-4N-69W              |
| 501                                                           |                   |                    | Hewlett-Packard Company                         |                                                                                                   |                     |                           |                                |                     |                            |                          |                |                         |                   | 3                                                      |                                               | 0                       | 0                 | 23-5N-69W             |
| 502                                                           |                   |                    | Vogel, R. (Bearview/Ravencrest Heights Aug plan |                                                                                                   |                     |                           |                                |                     |                            |                          |                |                         |                   | 1                                                      |                                               | 0                       |                   | N/A                   |
| 503                                                           |                   | 5                  | Ludlow, E.                                      |                                                                                                   |                     |                           | 10                             |                     |                            |                          |                |                         |                   | 0                                                      |                                               | 0                       |                   | Rented into HS System |
| Totals of System                                              |                   |                    |                                                 | 658.25                                                                                            | 2.72083             | 156.5                     | 346.75                         | 1.26667             | 8.61                       | 317.60                   | 1.89           | 93.75                   | 0.33333           | 741.25                                                 | 2.93540                                       | 0                       | 0                 | --                    |
| Totals of Shares changed in 98CW410                           |                   |                    |                                                 | --                                                                                                | 2.72083             | --                        | --                             | --                  | --                         | --                       | --             | --                      | --                | --                                                     | --                                            |                         |                   | --                    |
| Totals of Shares in the Handy Overlap Area (103-145)          |                   |                    |                                                 | --                                                                                                | 0.00000             | 27                        | 89.75                          | 0                   | 0                          | 0                        | 0              | 25.00                   | 0.33333           | 131.75                                                 | 1.33332                                       |                         |                   | --                    |
| Pulliam Family Koenig, Gard, Rodeffer (20CW3011) <sup>4</sup> |                   |                    |                                                 | 63.5                                                                                              | 1.53333             | 0                         | --                             | 0.46667             | 7.61                       | 180.20                   | 1.89           | 0                       | 0                 | 35                                                     | 0.00000                                       | 0                       |                   |                       |

|     |         |                         |
|-----|---------|-------------------------|
| 250 | Parcels | Johnstown "old" shares: |
|     |         | CHSDRC:                 |
|     |         | Total:                  |

Map Reference Number Code:

Number 1 - 77: Included in 98CW410 (except #53B).

Number 103 - 145: Included in stipulation with Berthoud concerning Han  
Number 200 - 419: Additional parcels identified by Delbert Helzer (ca. 20  
Numbers greater than 500: see comments.

BT: Parcels irrigated by BTDMC shares and included in Case No. 98CW41

<sup>1</sup>The Exhibit A table in the Decree in Case No. 98CW410 reported only the total yields of Home Supply and Handy shares are 11.56 ac-ft/share, and yield of BT Table 2-4 in N. Hobbs report for Case No. 98CW410, dated March 21, 2000.

<sup>2</sup>The proration originally decreed for the Handy Overlap Area was extended to

<sup>3</sup> Parcel 53B was not included in Case No. 98CW410. It is counted with the Add

<sup>4</sup>Representative farms previously owned by the Pulliam Family were assigned 20CW3011.

<sup>5</sup>City of Loveland changed its 1.0 cfs of Gard in Case No. 07CW325. The decree per share on those farms. Historically there was 36.1 ac-ft connected with Lov

<sup>6</sup>Johnstown changed all 20.75 Johnson/Lawson (#44) HS shares in Case No. 98

<sup>7</sup>Parcel #60 is in the Buckingham system. These 2 HS shares were traded into t

<sup>8</sup>Effective acreage for Parcels 2BT & 7BT changed from 98CW410 Exhibit A Tak information from Johnstown, Loveland, and BTDMC.

<sup>9</sup> M. Waggener (#128) owns 1 cfs of direct-flow Priority No. 1, not seasonally limited.

<sup>10</sup>In Case No. 20CW3011, #140 combined into acreage and location of #384, w

<sup>11</sup> 'Wrangler Meadows' (#220) effective Home Supply and Koenig acres based on

<sup>12</sup> Sawyer (#202) Late Koenig water associated with 65.2 acres formerly owned by

13. Sauer (#203) Late Koenig water associated with 65.2 acres formerly owned I

Mountain View Farms (#408) owns 1 cfs of Early Gard and 36.1 ac-ft of Late (

<sup>14</sup> Peterson Farm (#125) is partially in both Sector 4 and Sector 5. Proportionat

<sup>15</sup> Evans Ranch (#145) is partially in both Sector 4 and Sector 1. Proportionately

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                 |                      |                       |                                                     | SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO. |                                                  |                       |                                      |                                     |                          |                    |                                                  |                                            |                  |                         |             |                      |                      |                |                                      |                                     |                       |                           |                     |
|-----------------|----------------------|-----------------------|-----------------------------------------------------|--------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------|-------------------------------------|--------------------------|--------------------|--------------------------------------------------|--------------------------------------------|------------------|-------------------------|-------------|----------------------|----------------------|----------------|--------------------------------------|-------------------------------------|-----------------------|---------------------------|---------------------|
| Map Ref.<br>No. | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                  | Net Irrigated Acres by Water Right                     |                                                  |                       |                                      |                                     |                          |                    |                                                  |                                            |                  | 98CW410                 |             | 06CW224              | 20CW3011             |                |                                      |                                     |                       | 21CW3108                  |                     |
|                 |                      |                       |                                                     | Baseline<br>Total<br>Irrigated<br>Acres                | Net Home<br>Supply Share<br>Acres <sup>1,2</sup> | Net<br>BTDMC<br>Acres | Net Early<br>Koenig or<br>Gard Acres | Net Late<br>Koenig or<br>Gard Acres | Net<br>Rodeffer<br>Acres | Net Handy<br>Acres | Net Other<br>Acres (e.g.<br>South<br>Side, etc.) | Total<br>Home<br>Supply<br>SYSTEM<br>Acres | (Acres<br>Check) | Home<br>Supply<br>Acres | BTDMC Acres | Home Supply<br>Acres | Home<br>Supply Acres | BTDMC<br>Acres | Net Early<br>Koenig or<br>Gard Acres | Net Late<br>Koenig or<br>Gard Acres | Net Rodeffer<br>Acres | LTWD Home<br>Supply Acres | LTWD BTDMC<br>Acres |
| (1)             | (2)                  | (3)                   | (4)                                                 | (36)                                                   | (37)                                             | (38)                  | (39)                                 | (40)                                | (41)                     | (42)               | (43)                                             | (44)                                       | (45)             | (46)                    | (47)        | (48)                 | (49)                 | (50)           | (51)                                 | (52)                                | (53)                  | (54)                      | (55)                |
| 1               |                      | 5                     | Woodworth                                           | 9.0                                                    | 9.0                                              |                       |                                      |                                     |                          |                    |                                                  | 9.0                                        | 0.0              | 9.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 2               | 8,9,218              | 2                     | Eaton/Abrams                                        | 30.0                                                   | 30.0                                             |                       |                                      |                                     |                          |                    |                                                  | 30.0                                       | 0.0              | 30.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 3               | 412                  | 5                     | Lee, R. <sup>4</sup>                                | 62.0                                                   | 35.3                                             | 10.4                  | 6.8                                  | 3.5                                 | 6.1                      |                    |                                                  | 62.0                                       | 0.0              | 35.3                    | 0.0         | ---                  |                      | 10.4           | 6.8                                  | 3.5                                 | 6.1                   |                           |                     |
| 4               |                      | 1                     | Sarah Orr Mortgage                                  | 18.0                                                   | 18.0                                             |                       |                                      |                                     |                          |                    |                                                  | 18.0                                       | 0.0              | 18.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 5               |                      | 2                     | Ludwick                                             | 159.0                                                  | 159.0                                            |                       |                                      |                                     |                          |                    |                                                  | 159.0                                      | 0.0              | 159.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 6               |                      | 5                     | Hayes, C. (Country Acres 6th)                       | 6.0                                                    | 6.0                                              |                       |                                      |                                     |                          |                    |                                                  | 6.0                                        | 0.0              | 6.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 7               |                      | 5                     | Johnstown Center 1st                                | 4.0                                                    | 4.0                                              |                       |                                      |                                     |                          |                    |                                                  | 4.0                                        | 0.0              | 4.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 8               | 2,9,218              | 2                     | Knolls 1st                                          | 29.0                                                   | 29.0                                             |                       |                                      |                                     |                          |                    |                                                  | 29.0                                       | 0.0              | 29.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 9               | 2,8,218              | 2                     | Knolls 2nd                                          | 20.0                                                   | 20.0                                             |                       |                                      |                                     |                          |                    |                                                  | 20.0                                       | 0.0              | 20.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 10              |                      | 5                     | Gutenkunst                                          | 4.0                                                    | 4.0                                              |                       |                                      |                                     |                          |                    |                                                  | 4.0                                        | 0.0              | 4.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 11              | 48                   | 5                     | Brown (Rolling Hills 1 & 2)                         | 133.0                                                  | 133.0                                            |                       |                                      |                                     |                          |                    |                                                  | 133.0                                      | 0.0              | 133.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 12              |                      | 5                     | Podtburg PUD                                        | 32.0                                                   | 32.0                                             |                       |                                      |                                     |                          |                    |                                                  | 32.0                                       | 0.0              | 32.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 13              | 1BT                  | 1                     | Dehn 1 & 2                                          | 20.0                                                   | 3.0                                              | 17.0                  |                                      |                                     |                          |                    |                                                  | 20.0                                       | 0.0              | 3.0                     | 17.0        | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 14              |                      | 3                     | Saffell I & II (I-25 Gateway Center)                | 145.0                                                  | 145.0                                            |                       |                                      |                                     |                          |                    |                                                  | 145.0                                      | 0.0              | 145.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 15              |                      | 5                     | Hayes, C. (Country Acres 8th)                       | 4.0                                                    | 4.0                                              |                       |                                      |                                     |                          |                    |                                                  | 4.0                                        | 0.0              | 4.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 16              |                      | 3                     | Sloan                                               | 120.0                                                  | 120.0                                            |                       |                                      |                                     |                          |                    |                                                  | 120.0                                      | 0.0              | 120.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 17              |                      | 3                     | Carlson Farm                                        | 110.0                                                  | 110.0                                            |                       |                                      |                                     |                          |                    |                                                  | 110.0                                      | 0.0              | 110.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 18              | 417                  | 2                     | Johnson's Corner                                    | 107.1                                                  | 107.1                                            |                       |                                      |                                     |                          |                    |                                                  | 107.1                                      | 0.0              | 107.1                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 19              |                      | 3                     | Harding                                             | 132.0                                                  | 132.0                                            |                       |                                      |                                     |                          |                    |                                                  | 132.0                                      | 0.0              | 132.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 20              | 5BT                  | 3                     | H Bar H <sup>4</sup>                                | 140.0                                                  | 79.7                                             | 23.4                  | 15.4                                 | 7.8                                 | 13.7                     |                    |                                                  | 140.0                                      | 0.0              | 79.7                    | 23.4        | ---                  |                      | 23.4           | 15.4                                 | 7.8                                 | 13.7                  |                           |                     |
| 21              |                      | 5                     | Schultz <sup>4</sup>                                | 148.0                                                  | 84.3                                             | 24.7                  | 16.3                                 | 8.2                                 | 14.5                     |                    |                                                  | 148.0                                      | 0.0              | 84.3                    | 0.0         | ---                  |                      | 24.7           | 16.3                                 | 8.2                                 | 14.5                  |                           |                     |
| 22              | B                    | 2                     | Larson                                              | 23.0                                                   | 23.0                                             |                       |                                      |                                     |                          |                    |                                                  | 23.0                                       | 0.0              | 23.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 22              | A                    | 5                     | Larson                                              | 170.0                                                  | 170.0                                            |                       |                                      |                                     |                          |                    |                                                  | 170.0                                      | 0.0              | 170.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 22              | C                    | 5                     | Larson                                              | 140.0                                                  | 93.3                                             |                       |                                      |                                     |                          | 46.7               |                                                  | 93.3                                       | 0.0              | 93.3                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 23              | B 418                | 2                     | Shockley (Redstone Hills)                           | 39.0                                                   | 39.0                                             |                       |                                      |                                     |                          |                    |                                                  | 39.0                                       | 0.0              | 39.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 24              |                      | 5                     | Frye (Ted Yeleck)                                   | 25.0                                                   | 25.0                                             |                       |                                      |                                     |                          |                    |                                                  | 25.0                                       | 0.0              | 25.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 25              |                      | 2                     | Yelek                                               | 70.0                                                   | 70.0                                             |                       |                                      |                                     |                          |                    |                                                  | 70.0                                       | 0.0              | 70.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 26              | 47, 3BT, 4BT         | 2                     | Sedona Hills II (Patterson Farm) <sup>4</sup>       | 111.0                                                  | 63.2                                             | 18.6                  | 12.2                                 | 6.2                                 | 10.9                     |                    |                                                  | 111.0                                      | 0.0              | 63.2                    | 18.6        | ---                  |                      |                | 12.2                                 | 6.2                                 | 10.9                  |                           |                     |
| 27              |                      | 2                     | Chilson                                             | 60.0                                                   | 60.0                                             |                       |                                      |                                     |                          |                    |                                                  | 60.0                                       | 0.0              | 60.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 29              | 23A                  | 5                     | MLD Equities LLC (Cresswell II)                     | 198.0                                                  | 198.0                                            |                       |                                      |                                     |                          |                    |                                                  | 198.0                                      | 0.0              | 198.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 30              |                      | 5                     | Stroh, D. (Rolling Hills Ranch)                     | 70.0                                                   | 70.0                                             |                       |                                      |                                     |                          |                    |                                                  | 70.0                                       | 0.0              | 70.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 31              |                      | 5                     | Stroh/Busch (Rolling Hills Ranch)                   | 70.0                                                   | 23.3                                             |                       |                                      |                                     |                          | 46.7               |                                                  | 23.3                                       | 0.0              | 23.3                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 32              | 304                  | 1                     | Hull/Siegrist (Rolling Hills Ranch)                 | 30.0                                                   | 30.0                                             |                       |                                      |                                     |                          |                    |                                                  | 30.0                                       | 0.0              | 30.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 33              | 35                   | 2                     | Loveland Ready-Mix                                  | 13.0                                                   | 13.0                                             |                       |                                      |                                     |                          |                    |                                                  | 13.0                                       | 0.0              | 13.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 34              |                      | 2                     | Shockey                                             | 20.0                                                   | 20.0                                             |                       |                                      |                                     |                          |                    |                                                  | 20.0                                       | 0.0              | 20.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 35              |                      | 2                     | Cross                                               | 67.0                                                   | 67.0                                             |                       |                                      |                                     |                          |                    |                                                  | 67.0                                       | 0.0              | 67.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 37              | 6BT                  | 2                     | Wiens                                               | 75.0                                                   | 56.6                                             | 18.4                  |                                      |                                     |                          |                    |                                                  | 75.0                                       | 0.0              | 56.6                    | 18.4        | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 38              |                      | 2                     | MLD Equities LLC (Hamilton)                         | 70.0                                                   | 70.0                                             |                       |                                      |                                     |                          |                    |                                                  | 70.0                                       | 0.0              | 70.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 39              |                      | 2                     | Nelson                                              | 72.0                                                   | 72.0                                             |                       |                                      |                                     |                          |                    |                                                  | 72.0                                       | 0.0              | 72.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 40              |                      | 2                     | Herrera                                             | 133.0                                                  | 133.0                                            |                       |                                      |                                     |                          |                    |                                                  | 133.0                                      | 0.0              | 133.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 41              |                      | 2                     | Graybill                                            | 40.0                                                   | 40.0                                             |                       |                                      |                                     |                          |                    |                                                  | 40.0                                       | 0.0              | 40.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 42              |                      | 2                     | Benson                                              | 80.0                                                   | 80.0                                             |                       |                                      |                                     |                          |                    |                                                  | 80.0                                       | 0.0              | 80.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 43              |                      | 2                     | Larimer County 402, LLC,<br>Trowbridge <sup>5</sup> | 97.0                                                   | 78.3                                             |                       | 18.7                                 |                                     |                          |                    |                                                  | 97.0                                       | 0.0              | 78.3                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 44              |                      | 5                     | Johnson/Lawson <sup>6</sup>                         | 131.0                                                  | 131.0                                            |                       |                                      |                                     |                          |                    |                                                  | 131.0                                      | 0.0              | 131.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       | 11.0                      |                     |
| 45              |                      | 5                     | MLD Equities LLC (Cresswell I)                      | 105.0                                                  | 105.0                                            |                       |                                      |                                     |                          |                    |                                                  | 105.0                                      | 0.0              | 105.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 46              | 301                  | 1                     | Carran (Yelek)                                      | 8.0                                                    | 8.0                                              |                       |                                      |                                     |                          |                    |                                                  | 8.0                                        | 0.0              | 8.0                     | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 48              | 11                   | 5                     | Brown (Rolling Hills Ranch)                         | 22.0                                                   | 22.0                                             |                       |                                      |                                     |                          |                    |                                                  | 22.0                                       | 0.0              | 22.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 49              |                      | 5                     | Sandberg                                            | 142.0                                                  | 142.0                                            |                       |                                      |                                     |                          |                    |                                                  | 142.0                                      | 0.0              | 142.0                   | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 50              |                      | 2                     | Cross, Al and Effie                                 | 10.0                                                   | 10.0                                             |                       |                                      |                                     |                          |                    |                                                  | 10.0                                       | 0.0              | 10.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 51              |                      | 1                     | Chilson                                             | 12.0                                                   | 12.0                                             |                       |                                      |                                     |                          |                    |                                                  | 12.0                                       | 0.0              | 12.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |
| 52              | 419                  | 5                     | Stroh (Rolling Hills Ranch)                         | 66.0                                                   | 66.0                                             |                       |                                      |                                     |                          |                    |                                                  | 66.0                                       | 0.0              | 66.0                    | 0.0         | ---                  |                      |                |                                      |                                     |                       |                           |                     |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                 |                      |                       |                                                                              | SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO. |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          |                                 |                     |                              |                              |                        |                                              |                                             |                               |                                   |                             |
|-----------------|----------------------|-----------------------|------------------------------------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|-------------------------------|----------------------------------------------|---------------------------------------------|----------------------------------|----------------------------|----------------------------------------------------------|----------------------------------------------------|--------------------------|---------------------------------|---------------------|------------------------------|------------------------------|------------------------|----------------------------------------------|---------------------------------------------|-------------------------------|-----------------------------------|-----------------------------|
| Map Ref.<br>No. | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                                           | Net Irrigated Acres by Water Right                     |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          | 98CW410                         |                     | 06CW224                      | 20CW3011                     |                        |                                              |                                             |                               | 21CW3108                          |                             |
|                 |                      |                       |                                                                              | Baseline<br>Total<br>Irrigated<br>Acres<br>(36)        | Net Home<br>Supply Share<br>Acres <sup>1,2</sup><br>(37) | Net<br>BTDMC<br>Acres<br>(38) | Net Early<br>Koenig or<br>Gard Acres<br>(39) | Net Late<br>Koenig or<br>Gard Acres<br>(40) | Net<br>Rodeffer<br>Acres<br>(41) | Net Handy<br>Acres<br>(42) | Net Other<br>Acres (e.g.<br>South<br>Side, etc.)<br>(43) | Total<br>Home<br>Supply<br>SYSTEM<br>Acres<br>(44) | (Acres<br>Check)<br>(45) | Home<br>Supply<br>Acres<br>(46) | BTDMC Acres<br>(47) | Home Supply<br>Acres<br>(48) | Home<br>Supply Acres<br>(49) | BTDMC<br>Acres<br>(50) | Net Early<br>Koenig or<br>Gard Acres<br>(51) | Net Late<br>Koenig or<br>Gard Acres<br>(52) | Net Rodeffer<br>Acres<br>(53) | LTWD Home<br>Supply Acres<br>(54) | LTWD BTDMC<br>Acres<br>(55) |
|                 |                      |                       |                                                                              |                                                        |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          |                                 |                     |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 53              | A                    | 1                     | Myers (Rolling Hills Ranch)                                                  | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 6.0                                                | 0.0                      | 6.0                             | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 53              | B <sup>3</sup>       | 1                     | Myers, J.                                                                    | 39.0                                                   | 39.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 39.0                                               | 0.0                      | 0.0                             | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 54              |                      | 5                     | Purdy Trust                                                                  | 301.0                                                  | 301.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 301.0                                              | 0.0                      | 301.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 55              |                      | 1                     | Luxor, LLC (Beirwaltes)                                                      | 51.0                                                   | 51.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 51.0                                               | 0.0                      | 51.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 56              |                      | 5                     | Spaur                                                                        | 135.0                                                  | 135.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 135.0                                              | 0.0                      | 135.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 57              |                      | 1                     | Kelly (Rolling Hills Ranch)                                                  | 100.0                                                  | 64.7                                                     | 35.3                          |                                              |                                             |                                  |                            |                                                          | 100.0                                              | 0.0                      | 64.7                            | 35.3                | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 58              |                      | 2                     | Saulcy                                                                       | 185.0                                                  | 185.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 185.0                                              | 0.0                      | 185.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 59              |                      | 2                     | Hill                                                                         | 19.0                                                   | 19.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 19.0                                               | 0.0                      | 19.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 60              |                      | 1                     | Glen Devel, LLC (Rolling Hills Ranch)<br>(Water Traded into HS) <sup>7</sup> | n/a                                                    | n/a                                                      |                               |                                              |                                             |                                  |                            |                                                          | n/a                                                |                          | sys. avg.                       | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 61              | 317                  | 1                     | Haggerty (Rolling Hills Ranch)                                               | 36.0                                                   | 36.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 36.0                                               | 0.0                      | 36.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 62              | A                    | 3                     | Massey                                                                       | 61.0                                                   | 61.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 61.0                                               | 0.0                      | 61.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 62              | B                    | 5                     | Massey                                                                       | 134.0                                                  | 134.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 134.0                                              | 0.0                      | 134.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 63              |                      | 1                     | Oil Com Corp.                                                                | 25.0                                                   | 25.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 25.0                                               | 0.0                      | 25.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 66              | 8BT                  | 5                     | W. Johnstown Dvlpmnt LLC<br>(Harroun) <sup>4</sup>                           | 118.0                                                  | 67.2                                                     | 19.7                          | 13.0                                         | 6.6                                         | 11.5                             |                            |                                                          | 118.0                                              | 0.0                      | 67.2                            | 19.7                | ---                          |                              | 19.7                   | 13.0                                         | 6.6                                         | 11.5                          |                                   |                             |
| 67              |                      | 5                     | Maplewood Acres (Lewis)                                                      | 138.0                                                  | 138.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 138.0                                              | 0.0                      | 138.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 69              |                      | 2                     | Tarum                                                                        | 38.0                                                   | 38.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 38.0                                               | 0.0                      | 38.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 70              |                      | 5                     | Markham, B. <sup>5</sup>                                                     | 73.0                                                   | 59.7                                                     |                               | 13.3                                         |                                             |                                  |                            |                                                          | 73.0                                               | 0.0                      | 59.7                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 71              |                      | 5                     | Markham, W.                                                                  | 135.0                                                  | 135.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 135.0                                              | 0.0                      | 135.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 72              |                      | 1                     | Gilstrap                                                                     | 73.0                                                   | 73.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 73.0                                               | 0.0                      | 73.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 73              |                      | 4                     | Olander                                                                      | 75.0                                                   | 48.7                                                     |                               |                                              |                                             |                                  | 26.3                       |                                                          | 48.7                                               | 0.0                      | 48.7                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 74              |                      | 2                     | Johnson, Rick                                                                | 30.0                                                   | 30.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 30.0                                               | 0.0                      | 30.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 75              | 134                  | 5                     | Cannon                                                                       | 70.0                                                   | 70.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 70.0                                               | 0.0                      | 70.0                            | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 77(5)           |                      | 5                     | Veeman (Seg. 5)                                                              | 134.0                                                  | 134.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 134.0                                              | 0.0                      | 134.0                           | 0.0                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 77(3)           |                      | 3                     | (Veeman) Saffel No. 2 (Seg. 3) <sup>4</sup>                                  | 122.0                                                  | 69.5                                                     | 20.4                          | 13.4                                         | 6.8                                         | 11.9                             |                            |                                                          | 122.0                                              | 0.0                      | 69.5                            | 0.0                 | ---                          |                              | 20.4                   | 13.4                                         | 6.8                                         | 11.9                          |                                   |                             |
| 2BT             | 349                  | 2                     | Fischer d/b/a Allied Mortgage <sup>8</sup>                                   | 38.9                                                   | ---                                                      | 38.9                          |                                              |                                             |                                  |                            |                                                          | 38.9                                               | 0.0                      | ---                             | 40.0                | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 7BT             | 404                  | 2                     | Ehrlich, P. <sup>8</sup>                                                     | 50.3                                                   | ---                                                      | 50.3                          |                                              |                                             |                                  |                            |                                                          | 50.3                                               | 0.0                      | ---                             | 80.0                | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 103             |                      | 5                     | Carson, Swanson & Shae                                                       | ---                                                    | ---                                                      |                               |                                              |                                             |                                  |                            |                                                          | 0                                                  |                          | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 104             | 105,106              | 5                     | Hein, W. Hein, Ray Hein & Hein<br>Family Trust                               | 67.0                                                   | 35.0                                                     |                               |                                              |                                             |                                  | 32.0                       |                                                          | 35.0                                               | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 109             |                      | 5                     | Ritter, W.                                                                   | 77.0                                                   | 11.1                                                     | 43.6                          |                                              |                                             |                                  | 22.3                       |                                                          | 54.7                                               | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 110             |                      | 5                     | Kennedy, T.                                                                  | 75.0                                                   | 50.3                                                     | 19.7                          |                                              |                                             |                                  | 5.0                        |                                                          | 70.0                                               | 0.0                      | ---                             | ---                 | 0.0                          | 40.2                         |                        |                                              |                                             |                               |                                   |                             |
| 111             |                      | 5                     | Schultz, H.                                                                  | 65.0                                                   | 37.1                                                     |                               |                                              |                                             |                                  | 27.9                       |                                                          | 37.1                                               | 0.0                      | ---                             | ---                 | 37.1                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 112             |                      | 5                     | Schooley (B.Hein)                                                            | 120.0                                                  | 30.0                                                     |                               |                                              |                                             |                                  | 90.0                       |                                                          | 30.0                                               | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 113             |                      | 5                     | Miller Ventures                                                              | 153.0                                                  | 102.0                                                    |                               |                                              |                                             |                                  | 51.0                       |                                                          | 102.0                                              | 0.0                      | ---                             | ---                 | 0.0                          | 102.0                        |                        |                                              |                                             |                               |                                   |                             |
| 115             |                      | 5                     | Jones, Carolyn                                                               | 86.0                                                   | 75.3                                                     |                               |                                              |                                             |                                  | 10.8                       |                                                          | 75.3                                               | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 116             |                      | 5                     | Kasperbauer, V.                                                              | 5.0                                                    | 5.0                                                      |                               |                                              |                                             |                                  | 0.0                        |                                                          | 5.0                                                | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 117             |                      | 5                     | Enright, D.                                                                  | 38.0                                                   | 9.5                                                      |                               |                                              |                                             |                                  | 28.5                       |                                                          | 9.5                                                | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 118             |                      | 5                     | Lobban, D. (York)                                                            | 15.0                                                   | 15.0                                                     |                               |                                              |                                             |                                  | 0.0                        |                                                          | 15.0                                               | 0.0                      | ---                             | ---                 | 15.0                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 119             |                      | 5                     | Mayo, M.                                                                     | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  | 0.0                        |                                                          | 6.0                                                | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             | 6.0                           |                                   |                             |
| 120             |                      | 5                     | Ketner, C.                                                                   | 7.0                                                    | 7.0                                                      |                               |                                              |                                             |                                  | 0.0                        |                                                          | 7.0                                                | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 121             |                      | 5                     | Johnson, B. New Day Sunrise                                                  | ---                                                    | ---                                                      |                               |                                              |                                             |                                  | ---                        |                                                          | 0.0                                                | ---                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 122             |                      | 5                     | Sanchez, T.                                                                  | ---                                                    | ---                                                      |                               |                                              |                                             |                                  | ---                        |                                                          | 0.0                                                | ---                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 123             |                      | 4                     | Schrage/Forman                                                               | 43.0                                                   | 43.0                                                     |                               |                                              |                                             |                                  | 0.0                        |                                                          | 43.0                                               | 0.0                      | ---                             | ---                 | 7.2                          | 7.2                          |                        |                                              |                                             |                               |                                   |                             |
| 124             |                      | 4                     | Elmquist Brothers                                                            | 68.0                                                   | 68.0                                                     |                               |                                              |                                             |                                  | 0.0                        |                                                          | 68.0                                               | 0.0                      | ---                             | ---                 | 0.0                          | 61.2                         |                        |                                              |                                             |                               |                                   |                             |
| 125             |                      | 4/5                   | Peterson Farm <sup>14</sup>                                                  | 323.0                                                  | 248.5                                                    |                               |                                              |                                             |                                  | 74.5                       |                                                          | 248.5                                              | 0.0                      | ---                             | ---                 | 0.0                          | 240.2                        |                        |                                              |                                             |                               |                                   |                             |
| 126             |                      | 5                     | Grelp Farms (LTWD)                                                           | 153.0                                                  | 119.6                                                    | 33.4                          |                                              |                                             |                                  | 0.0                        |                                                          | 153.0                                              | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             | 119.6                         | 33.4                              |                             |
| 127             |                      | 5                     | Campbell, D.                                                                 | 74.0                                                   | 71.4                                                     |                               |                                              |                                             |                                  | 2.6                        |                                                          | 71.4                                               | 0.0                      | ---                             | ---                 | 71.4                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 128             |                      | 5                     | Waggener, M. <sup>9</sup>                                                    | 891.0                                                  | 189.6                                                    |                               |                                              |                                             |                                  | 620.0                      | 81.4                                                     | 189.6                                              | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 129             |                      | 5                     | Olson, G.                                                                    | ---                                                    | ---                                                      |                               |                                              |                                             |                                  | ---                        |                                                          | 0.0                                                | ---                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 130             |                      | 5                     | Cletcher, J. (JOC, LLC)                                                      | 223.0                                                  | 178.4                                                    |                               |                                              |                                             |                                  | 44.6                       |                                                          | 178.4                                              | 0.0                      | ---                             | ---                 | 0.0                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 131             |                      | 5                     | Hoffmeister, J.                                                              | 157.0                                                  | 117.8                                                    |                               |                                              |                                             |                                  | 39.3                       |                                                          | 117.8                                              | 0.0                      | ---                             | ---                 | 117.8                        |                              |                        |                                              |                                             |                               |                                   |                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                 |                      |                       |                                                   | SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO. |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          |                                 |                     |                              |                              |                        |                                              |                                             |                               |                                   |                             |
|-----------------|----------------------|-----------------------|---------------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|-------------------------------|----------------------------------------------|---------------------------------------------|----------------------------------|----------------------------|----------------------------------------------------------|----------------------------------------------------|--------------------------|---------------------------------|---------------------|------------------------------|------------------------------|------------------------|----------------------------------------------|---------------------------------------------|-------------------------------|-----------------------------------|-----------------------------|
| Map Ref.<br>No. | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                | Net Irrigated Acres by Water Right                     |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          | 98CW410                         |                     | 06CW224                      | 20CW3011                     |                        |                                              |                                             |                               | 21CW3108                          |                             |
|                 |                      |                       |                                                   | Baseline<br>Total<br>Irrigated<br>Acres<br>(36)        | Net Home<br>Supply Share<br>Acres <sup>1,2</sup><br>(37) | Net<br>BTDMC<br>Acres<br>(38) | Net Early<br>Koenig or<br>Gard Acres<br>(39) | Net Late<br>Koenig or<br>Gard Acres<br>(40) | Net<br>Rodeffer<br>Acres<br>(41) | Net Handy<br>Acres<br>(42) | Net Other<br>Acres (e.g.<br>South<br>Side, etc.)<br>(43) | Total<br>Home<br>Supply<br>SYSTEM<br>Acres<br>(44) | (Acres<br>Check)<br>(45) | Home<br>Supply<br>Acres<br>(46) | BTDMC Acres<br>(47) | Home Supply<br>Acres<br>(48) | Home<br>Supply Acres<br>(49) | BTDMC<br>Acres<br>(50) | Net Early<br>Koenig or<br>Gard Acres<br>(51) | Net Late<br>Koenig or<br>Gard Acres<br>(52) | Net Rodeffer<br>Acres<br>(53) | LTWD Home<br>Supply Acres<br>(54) | LTWD BTDMC<br>Acres<br>(55) |
| 132             |                      | 5                     | Koolstra, W.                                      | 131.0                                                  | 93.0                                                     |                               |                                              |                                             |                                  |                            | 38.0                                                     |                                                    | 93.0                     | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 133             |                      | 5                     | Ostermiller, G.                                   | 79.0                                                   | 79.0                                                     |                               |                                              |                                             |                                  |                            | 0.0                                                      |                                                    | 79.0                     | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 134             | 75                   | 5                     | Cannon, P.                                        | ---                                                    | ---                                                      |                               |                                              |                                             |                                  |                            | ---                                                      |                                                    | 0.0                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 135             |                      | 5                     | Weis, F.                                          | 294.0                                                  | 69.9                                                     |                               |                                              |                                             |                                  |                            | 224.1                                                    |                                                    | 69.9                     | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 136             |                      | 5                     | Fickel, R.B.                                      | 151.0                                                  | 22.1                                                     |                               |                                              |                                             |                                  |                            | 128.9                                                    |                                                    | 22.1                     | 0.0                             | ---                 | ---                          | 0.0                          | 22.1                   |                                              |                                             |                               |                                   |                             |
| 137             |                      | 4                     | Gentry, J.                                        | 98.0                                                   | 98.0                                                     |                               |                                              |                                             |                                  |                            | 0.0                                                      |                                                    | 98.0                     | 0.0                             | ---                 | ---                          | 17.8                         | 62.4                   |                                              |                                             |                               |                                   |                             |
| 138             | 139                  | 2                     | Frink, T. (Olson, D.)                             | 8.0                                                    | 8.0                                                      |                               |                                              |                                             |                                  |                            | 0.0                                                      |                                                    | 8.0                      | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 139             | 138                  | 2                     | Beemer/McEntee                                    | 7.0                                                    | 7.0                                                      |                               |                                              |                                             |                                  |                            | 0.0                                                      |                                                    | 7.0                      | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 140             | 384                  | 5                     | Starck, L. (see #384, Starck, R.) <sup>10</sup>   | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            | 0.0                                                      |                                                    | 6.0                      | 0.0                             | ---                 | ---                          | 0.0                          | 6.0                    |                                              |                                             |                               |                                   |                             |
| 141             |                      | 5                     | Smith, H.                                         | 136.0                                                  | 95.2                                                     |                               |                                              |                                             |                                  |                            | 40.8                                                     |                                                    | 95.2                     | 0.0                             | ---                 | ---                          | 0.0                          | 27.2                   |                                              |                                             |                               |                                   |                             |
| 142             |                      | 5                     | Zimmerman Bros.                                   | 156.0                                                  | 68.4                                                     |                               |                                              |                                             |                                  |                            | 87.6                                                     |                                                    | 68.4                     | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 143             |                      | 2                     | Kiehn, D.D./LTWD                                  | 131.0                                                  | 90.1                                                     | 27.1                          |                                              |                                             |                                  |                            | 13.9                                                     |                                                    | 117.1                    | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               | 69.3                              |                             |
| 144             |                      | 2                     | Carlson, Swanson & Shea                           | 146.0                                                  | 83.2                                                     | 50.0                          |                                              |                                             |                                  |                            | 12.8                                                     |                                                    | 133.2                    | 0.0                             | ---                 | ---                          | 0.0                          |                        |                                              |                                             |                               |                                   |                             |
| 145             |                      | 4/1                   | Bunker, J. & Young, E.(Evans Ranch) <sup>15</sup> | 211.0                                                  | 170.2                                                    |                               |                                              |                                             |                                  |                            | 40.8                                                     |                                                    | 170.2                    | 0.0                             | ---                 | ---                          | 0.0                          | 163.4                  |                                              |                                             |                               |                                   |                             |
| 200             |                      | 5                     | Markham,K.                                        | 226.0                                                  | 226.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 226.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 201             |                      | 2                     | Lee/Summers                                       | 148.0                                                  | 148.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 148.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 202             |                      | 3                     | Cito, B.                                          | 115.0                                                  | 115.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 115.0                    | 0.0                             | ---                 | ---                          | 28.8                         |                        |                                              |                                             |                               |                                   |                             |
| 203             |                      | 3                     | Sauer <sup>12</sup>                               | 154.0                                                  | 88.8                                                     |                               |                                              | 65.2                                        |                                  |                            |                                                          |                                                    | 154.0                    | 0.0                             | ---                 | ---                          |                              | 88.8                   |                                              |                                             | 65.2                          |                                   |                             |
| 204             |                      | 3                     | Klein (Leinweber/Klein)                           | 121.0                                                  | 121.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 121.0                    | 0.0                             | ---                 | ---                          | 121.0                        |                        |                                              |                                             |                               |                                   |                             |
| 205             |                      | 3                     | Klein (Leinweber)                                 | 60.0                                                   | 60.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 60.0                     | 0.0                             | ---                 | ---                          | 60.0                         |                        |                                              |                                             |                               |                                   |                             |
| 206             |                      | 2                     | Klein, R./Davis, T./Baum, T.<br>(Borland)         | 47.0                                                   | 47.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 47.0                     | 0.0                             | ---                 | ---                          | 5.9                          |                        |                                              |                                             |                               |                                   |                             |
| 207             |                      |                       | Deleted                                           | ---                                                    | ---                                                      |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 0.0                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 208             |                      |                       | Deleted                                           | ---                                                    | ---                                                      |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 0.0                      | ---                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 209             |                      | 5                     | Martin Oil                                        | 97.0                                                   | 97.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 97.0                     | 0.0                             | ---                 | ---                          | 97.0                         |                        |                                              |                                             |                               |                                   |                             |
| 210             |                      | 5                     | Hart Farm                                         | 42.0                                                   | 42.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 42.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 211             |                      | 2                     | Gutierrez                                         | 48.0                                                   | 48.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 48.0                     | 0.0                             | ---                 | ---                          | 48.0                         |                        |                                              |                                             |                               |                                   |                             |
| 212             |                      | 2/3                   | Wind, F.                                          | 168.0                                                  | 168.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 168.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 213             |                      | 5                     | Bien, T./Keto, J.                                 | 135.0                                                  | 135.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 135.0                    | 0.0                             | ---                 | ---                          |                              | 135.0                  |                                              |                                             |                               |                                   |                             |
| 214             |                      | 1                     | Adams, M.                                         | 10.0                                                   | 10.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 10.0                     | 0.0                             | ---                 | ---                          | 10.0                         |                        |                                              |                                             |                               |                                   |                             |
| 215             |                      | 3                     | Hamilton DWD                                      | 133.0                                                  | 133.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 133.0                    | 0.0                             | ---                 | ---                          |                              | 133.0                  |                                              |                                             |                               |                                   |                             |
| 216             |                      | 5                     | Clark, S.                                         | 102.0                                                  | 102.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 102.0                    | 0.0                             | ---                 | ---                          |                              | 18.5                   |                                              |                                             |                               |                                   | 37.1                        |
| 217             |                      | 5                     | Sauer, H.                                         | 154.0                                                  | 89.4                                                     | 64.6                          |                                              |                                             |                                  |                            |                                                          |                                                    | 154.0                    | 0.0                             | ---                 | ---                          |                              | 89.4                   | 64.6                                         |                                             |                               |                                   |                             |
| 218             | 2,8,9                | 2                     | Hill/Sidl/Garrelts                                | 29.0                                                   | 29.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 29.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 219             |                      | 2                     | Harding, J.                                       | 138.0                                                  | 138.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 138.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 220             |                      | 1                     | Wrangler Meadows <sup>11</sup>                    | 13.0                                                   | 5.8                                                      |                               | 5.4                                          | 1.8                                         |                                  |                            |                                                          |                                                    | 13.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 221             |                      | 1                     | Hein, P./Hein Family Trust                        | 82.0                                                   | 82.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 82.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 301             | 46                   | 1                     | Carran                                            | 30.0                                                   | 30.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 30.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 302             |                      | 1                     | Block/Radford                                     | 22.0                                                   | 22.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 22.0                     | 0.0                             | ---                 | ---                          |                              | 14.7                   |                                              |                                             |                               |                                   |                             |
| 303             |                      | 1                     | Ellis/Sylvandale                                  | 10.0                                                   | 10.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 10.0                     | 0.0                             | ---                 | ---                          | 10.0                         |                        |                                              |                                             |                               |                                   |                             |
| 304             | 32                   | 1                     | Hull (Booten/Crown Water)                         | 30.0                                                   | 30.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 30.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 305             |                      | 1                     | Stephenson                                        | 103.0                                                  | 103.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 103.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 306             |                      | 1                     | CDOW                                              | 0.0                                                    | 0.0                                                      |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 0.0                      | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 307a            |                      | 1                     | Stephens                                          | 200.0                                                  | 56.0                                                     |                               |                                              |                                             |                                  |                            | 144.0                                                    |                                                    | 56.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 307b            |                      | 1                     | Stephens                                          | n/a                                                    | n/a                                                      |                               |                                              |                                             |                                  |                            |                                                          |                                                    | n/a                      | ---                             | ---                 | ---                          | sys. avg.                    |                        |                                              |                                             |                               |                                   |                             |
| 308             |                      | 1                     | DeVries/McCauley                                  | 59.0                                                   | 59.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 59.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 309             |                      | 1                     | Jaskowski (1031 Land)                             | 49.0                                                   | 49.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 49.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 310             |                      | 5                     | Mathews                                           | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 6.0                      | 0.0                             | ---                 | ---                          |                              | 6.0                    |                                              |                                             |                               |                                   |                             |
| 311             |                      | 5                     | Seventh Day Adv                                   | 110.0                                                  | 49.0                                                     | 61.0                          |                                              |                                             |                                  |                            |                                                          |                                                    | 110.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 312             |                      | 1                     | Rocky Mtn Fuel                                    | 103.0                                                  | 103.0                                                    |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 103.0                    | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   | 97.6                        |
| 313             |                      | 5                     | Abrams                                            | 66.0                                                   | 66.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 66.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |
| 314             |                      | 1                     | Pleasant View Acres                               | 35.0                                                   | 35.0                                                     |                               |                                              |                                             |                                  |                            |                                                          |                                                    | 35.0                     | 0.0                             | ---                 | ---                          |                              |                        |                                              |                                             |                               |                                   |                             |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                 |                      |                       |                                               | SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO. |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          |                                 |                     |                              |                              |                        |                                              |                                             |                               |                                   |                             |
|-----------------|----------------------|-----------------------|-----------------------------------------------|--------------------------------------------------------|----------------------------------------------------------|-------------------------------|----------------------------------------------|---------------------------------------------|----------------------------------|----------------------------|----------------------------------------------------------|----------------------------------------------------|--------------------------|---------------------------------|---------------------|------------------------------|------------------------------|------------------------|----------------------------------------------|---------------------------------------------|-------------------------------|-----------------------------------|-----------------------------|
| Map Ref.<br>No. | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                            | Net Irrigated Acres by Water Right                     |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          | 98CW410                         |                     | 06CW224                      | 20CW3011                     |                        |                                              |                                             |                               | 21CW3108                          |                             |
|                 |                      |                       |                                               | Baseline<br>Total<br>Irrigated<br>Acres<br>(36)        | Net Home<br>Supply Share<br>Acres <sup>1,2</sup><br>(37) | Net<br>BTDMC<br>Acres<br>(38) | Net Early<br>Koenig or<br>Gard Acres<br>(39) | Net Late<br>Koenig or<br>Gard Acres<br>(40) | Net<br>Rodeffer<br>Acres<br>(41) | Net Handy<br>Acres<br>(42) | Net Other<br>Acres (e.g.<br>South<br>Side, etc.)<br>(43) | Total<br>Home<br>Supply<br>SYSTEM<br>Acres<br>(44) | (Acres<br>Check)<br>(45) | Home<br>Supply<br>Acres<br>(46) | BTDMC Acres<br>(47) | Home Supply<br>Acres<br>(48) | Home<br>Supply Acres<br>(49) | BTDMC<br>Acres<br>(50) | Net Early<br>Koenig or<br>Gard Acres<br>(51) | Net Late<br>Koenig or<br>Gard Acres<br>(52) | Net Rodeffer<br>Acres<br>(53) | LTWD Home<br>Supply Acres<br>(54) | LTWD BTDMC<br>Acres<br>(55) |
|                 |                      |                       | Coleman/Cumpston/                             |                                                        |                                                          |                               |                                              |                                             |                                  |                            |                                                          |                                                    |                          |                                 |                     |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 315             |                      | 4                     | Murray/Kowski                                 | 60.0                                                   | 60.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 60.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               | 16.0                              |                             |
| 316             |                      | 1                     | Bader                                         | 137.0                                                  | 137.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 137.0                                              | 0.0                      | ---                             | ---                 |                              | 137.0                        |                        |                                              |                                             |                               |                                   |                             |
| 317             | 61                   | 1                     | Haggerty                                      | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 6.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 318             |                      | 2                     | Bath,G.                                       | 34.0                                                   | 34.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 34.0                                               | 0.0                      | ---                             | ---                 |                              | 34.0                         |                        |                                              |                                             |                               |                                   |                             |
| 319             |                      | 2                     | Daily                                         | 36.0                                                   | 36.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 36.0                                               | 0.0                      | ---                             | ---                 |                              | 36.0                         |                        |                                              |                                             |                               |                                   |                             |
| 320             |                      | 4                     | Phillips                                      | 62.0                                                   | 62.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 62.0                                               | 0.0                      | ---                             | ---                 | 17.7                         |                              |                        |                                              |                                             |                               | 44.3                              |                             |
| 321             |                      | 4                     | Hale/Mucklow/Kasubke/<br>Fellows/Bukowski     | 121.0                                                  | 121.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 121.0                                              | 0.0                      | ---                             | ---                 |                              | 22.0                         |                        |                                              |                                             |                               |                                   |                             |
| 322             |                      | 1                     | Rodman                                        | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 6.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 323             |                      | 1                     | Roberts, B.                                   | 13.0                                                   | 13.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 13.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 324             |                      | 1                     | Hodge                                         | 11.0                                                   | 11.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 11.0                                               | 0.0                      | ---                             | ---                 |                              | 11.0                         |                        |                                              |                                             |                               |                                   |                             |
| 325             |                      | 1                     | Foxhaven HOA                                  | 45.0                                                   | 45.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 45.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 326             |                      | 1                     | Mazur/M&M LTD                                 | 28.0                                                   | 28.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 28.0                                               | 0.0                      | ---                             | ---                 | 28.0                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 327             |                      | 1                     | McMillan                                      | 14.0                                                   | 14.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 14.0                                               | 0.0                      | ---                             | ---                 |                              | 14.0                         |                        |                                              |                                             |                               |                                   |                             |
| 328             |                      | 1                     | Cole                                          | 19.0                                                   | 19.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 19.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 329             |                      | 1                     | Mielke (K&B)                                  | 122.0                                                  | 40.1                                                     |                               |                                              |                                             |                                  |                            | 81.9                                                     | 40.1                                               | 0.0                      | ---                             | ---                 |                              | 8.0                          |                        |                                              |                                             |                               | 32.1                              |                             |
| 330             |                      | 1                     | Gibson                                        | 36.0                                                   | 36.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 36.0                                               | 0.0                      | ---                             | ---                 |                              | 36.0                         |                        |                                              |                                             |                               |                                   |                             |
| 331             |                      | 1                     | Mattoon (Canyon MRD)                          | 16.5                                                   | 16.5                                                     |                               |                                              |                                             |                                  |                            |                                                          | 16.5                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 332             |                      | 5                     | Fishko/Olson/Cornelius                        | 6.3                                                    | 6.3                                                      |                               |                                              |                                             |                                  |                            |                                                          | 6.3                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 333             |                      | 1                     | Backes                                        | 79.0                                                   | 79.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 79.0                                               | 0.0                      | ---                             | ---                 | 79.0                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 334             |                      | 5                     | Dunkin (Duncan)                               | 15.0                                                   | 15.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 15.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 335             |                      | 2                     | Valliere                                      | 30.0                                                   | 30.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 30.0                                               | 0.0                      | ---                             | ---                 |                              | 30.0                         |                        |                                              |                                             |                               |                                   |                             |
| 336             |                      | 1                     | Freeman                                       | 6.0                                                    | 6.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 6.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 337             |                      | 1                     | DeMoss/Milligan                               | 21.0                                                   | 21.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 21.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 338             |                      | 1                     | Lenart                                        | 38.0                                                   | 38.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 38.0                                               | 0.0                      | ---                             | ---                 |                              | 19.0                         |                        |                                              |                                             |                               |                                   |                             |
| 339             |                      | 1                     | Skaer                                         | 210.0                                                  | 210.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 210.0                                              | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 340             |                      | 1                     | Trindle                                       | 121.0                                                  | 121.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 121.0                                              | 0.0                      | ---                             | ---                 |                              | 121.0                        |                        |                                              |                                             |                               |                                   |                             |
| 341             |                      | 1                     | Schwarz                                       | 95.0                                                   | 95.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 95.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 342             |                      | 4                     | Swanson                                       | 71.0                                                   | 71.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 71.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 343             |                      | 2                     | Ulhman/Merganthal                             | 21.0                                                   | 21.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 21.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 344             |                      | 4                     | Mast                                          | 83.0                                                   | 83.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 83.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               | 36.9                              |                             |
| 345             |                      | 2                     | Rocky Mtn Fuel                                | 66.0                                                   | 66.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 66.0                                               | 0.0                      | ---                             | ---                 |                              | 61.1                         |                        |                                              |                                             |                               |                                   |                             |
| 346             |                      | 2                     | Kieger                                        | 8.0                                                    | 8.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 8.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 347             |                      | 1                     | Heise                                         | 7.0                                                    | 7.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 7.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 348             |                      | 1                     | Ellis, L.                                     | 13.0                                                   | 13.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 13.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 349             | 2BT                  | 2                     | Gerrard (Allied Mrtg)                         | 30.1                                                   | 30.1                                                     |                               |                                              |                                             |                                  |                            |                                                          | 30.1                                               | 0.0                      | ---                             | ---                 | 30.1                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 350             |                      | 2                     | Baum/Morger                                   | 23.0                                                   | 23.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 23.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 351             |                      | 2                     | Read                                          | 24.0                                                   | 24.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 24.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 352             |                      | 2                     | Channell                                      | 34.0                                                   | 34.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 34.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 353             |                      | 2                     | Murdock                                       | 141.0                                                  | 141.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 141.0                                              | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 354             |                      | 2                     | Berling                                       | 37.0                                                   | 37.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 37.0                                               | 0.0                      | ---                             | ---                 |                              | 27.8                         |                        |                                              |                                             |                               |                                   |                             |
| 355             |                      | 2                     | Geist                                         | 28.0                                                   | 28.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 28.0                                               | 0.0                      | ---                             | ---                 | 28.0                         |                              |                        |                                              |                                             |                               |                                   |                             |
| 356             |                      | 2                     | Sheffler                                      | 7.0                                                    | 7.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 7.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 357             |                      | 2                     | Boyd/Borba Dairies                            | 43.0                                                   | 43.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 43.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 358             |                      | 2                     | O'Conner                                      | 29.0                                                   | 29.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 29.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               | 19.3                              |                             |
| 359             |                      | 2                     | Olson Sandra Trust/Pulliam Trust <sup>4</sup> | 227.0                                                  | 129.3                                                    | 37.9                          | 24.9                                         | 12.6                                        | 22.2                             |                            |                                                          | 227.0                                              | 0.0                      | ---                             | ---                 |                              |                              | 37.9                   | 24.9                                         | 12.6                                        | 22.2                          |                                   |                             |
| 360             |                      | 5                     | Starck,R.P.                                   | 149.0                                                  | 149.0                                                    |                               |                                              |                                             |                                  |                            |                                                          | 149.0                                              | 0.0                      | ---                             | ---                 | 149.0                        |                              |                        |                                              |                                             |                               |                                   |                             |
| 361             |                      | 2                     | McCreery                                      | 57.0                                                   | 57.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 57.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 362             |                      | 2                     | Schmoll                                       | 16.0                                                   | 16.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 16.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 363             |                      | 2                     | Carlson, R.                                   | 22.0                                                   | 22.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 22.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 364             |                      | 2                     | Carlisle HOA                                  | 21.0                                                   | 21.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 21.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 365             |                      | 2                     | Hach                                          | 59.0                                                   | 59.0                                                     |                               |                                              |                                             |                                  |                            |                                                          | 59.0                                               | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 366             |                      | 2                     | Scheck                                        | 8.0                                                    | 8.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 8.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 367             |                      | 2                     | Blackledge                                    | 8.0                                                    | 8.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 8.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |
| 368             |                      | 2                     | Hocker                                        | 9.0                                                    | 9.0                                                      |                               |                                              |                                             |                                  |                            |                                                          | 9.0                                                | 0.0                      | ---                             | ---                 |                              |                              |                        |                                              |                                             |                               |                                   |                             |



EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

|                 |                      |                       |                                                        | SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO. |                                                     |                       |                                      |                                     |                          |                    |                                                  |                                            |                  |                         |             |                      |                      |                |                                      |                                     |                       |                           |                     |
|-----------------|----------------------|-----------------------|--------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------|-----------------------|--------------------------------------|-------------------------------------|--------------------------|--------------------|--------------------------------------------------|--------------------------------------------|------------------|-------------------------|-------------|----------------------|----------------------|----------------|--------------------------------------|-------------------------------------|-----------------------|---------------------------|---------------------|
| Map Ref.<br>No. | Related<br>Parcel(s) | Return Flow<br>Sector | Owner/Former Owner                                     | Net Irrigated Acres by Water Right                     |                                                     |                       |                                      |                                     |                          |                    |                                                  |                                            |                  | 98CW410                 |             | 06CW224              | 20CW3011             |                |                                      |                                     |                       | 21CW3108                  |                     |
|                 |                      |                       |                                                        | Baseline<br>Total<br>Irrigated<br>Acres                | Net Home<br>Supply<br>Share<br>Acres <sup>1,2</sup> | Net<br>BTDMC<br>Acres | Net Early<br>Koenig or<br>Gard Acres | Net Late<br>Koenig or<br>Gard Acres | Net<br>Rodeffer<br>Acres | Net Handy<br>Acres | Net Other<br>Acres (e.g.<br>South<br>Side, etc.) | Total<br>Home<br>Supply<br>SYSTEM<br>Acres | (Acres<br>Check) | Home<br>Supply<br>Acres | BTDMC Acres | Home Supply<br>Acres | Home<br>Supply Acres | BTDMC<br>Acres | Net Early<br>Koenig or<br>Gard Acres | Net Late<br>Koenig or<br>Gard Acres | Net Rodeffer<br>Acres | LTWD Home<br>Supply Acres | LTWD BTDMC<br>Acres |
| (1)             | (2)                  | (3)                   | (4)                                                    | (36)                                                   | (37)                                                | (38)                  | (39)                                 | (40)                                | (41)                     | (42)               | (43)                                             | (44)                                       | (45)             | (46)                    | (47)        | (48)                 | (49)                 | (50)           | (51)                                 | (52)                                | (53)                  | (54)                      | (55)                |
| 369             |                      | 2                     | Cumpston & Tate                                        | 9.0                                                    | 9.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 9.0                                        | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 370             |                      | 2                     | Pilant, D&R                                            |                                                        | 7.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 7.0                                        | 0.0              | ---                     | ---         |                      | 7.0                  |                |                                      |                                     |                       |                           |                     |
| 371             |                      | 2                     | Brehm                                                  | 135.0                                                  | 112.5                                               | 22.5                  |                                      |                                     |                          |                    |                                                  | 135.0                                      | 0.0              | ---                     | ---         | 5.8                  |                      |                |                                      |                                     |                       |                           |                     |
| 372             |                      | 5                     | Zimmerman, Henry                                       | 153.0                                                  | 153.0                                               |                       |                                      |                                     |                          |                    |                                                  | 153.0                                      | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 373             |                      | 5                     | Sauer                                                  | 153.0                                                  | 153.0                                               |                       |                                      |                                     |                          |                    |                                                  | 153.0                                      | 0.0              | ---                     | ---         |                      | 153.0                |                |                                      |                                     |                       |                           |                     |
| 374             |                      | 5                     | Held/Vail                                              | 148.0                                                  | 148.0                                               |                       |                                      |                                     |                          |                    |                                                  | 148.0                                      | 0.0              | ---                     | ---         | 17.4                 | 17.4                 |                |                                      |                                     |                       |                           |                     |
| 375             |                      | 5                     | Goodere/Held                                           | 77.0                                                   | 77.0                                                |                       |                                      |                                     |                          |                    |                                                  | 77.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 376             |                      | 5                     | Fickel                                                 | 224.0                                                  | 224.0                                               |                       |                                      |                                     |                          |                    |                                                  | 224.0                                      | 0.0              | ---                     | ---         |                      | 165.1                |                |                                      |                                     |                       | 58.9                      |                     |
| 377             |                      | 5                     | Kroonenberg                                            | 75.0                                                   | 75.0                                                |                       |                                      |                                     |                          |                    |                                                  | 75.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 378             |                      | 5                     | Wilson                                                 | 62.0                                                   | 62.0                                                |                       |                                      |                                     |                          |                    |                                                  | 62.0                                       | 0.0              | ---                     | ---         | 62.0                 |                      |                |                                      |                                     |                       |                           |                     |
| 379             |                      | 5                     | Willow Creek Water Users                               | 63.0                                                   | 63.0                                                |                       |                                      |                                     |                          |                    |                                                  | 63.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 380             |                      | 5                     | Winders                                                | 43.0                                                   | 43.0                                                |                       |                                      |                                     |                          |                    |                                                  | 43.0                                       | 0.0              | ---                     | ---         |                      | 43.0                 |                |                                      |                                     |                       |                           |                     |
| 381             |                      | 5                     | South Valley Drive, LLC                                | 60.0                                                   | 60.0                                                |                       |                                      |                                     |                          |                    |                                                  | 60.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 382             |                      | 5                     | Betz,C. (Little Thompson Farm)                         | 57.0                                                   | 57.0                                                |                       |                                      |                                     |                          |                    |                                                  | 57.0                                       | 0.0              | ---                     | ---         |                      | 28.5                 |                |                                      |                                     |                       |                           |                     |
| 383             |                      | 3                     | Waggoner                                               | 13.0                                                   | 13.0                                                |                       |                                      |                                     |                          |                    |                                                  | 13.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 384             | 140                  | 5                     | Starck,R.F. <sup>10</sup>                              | 30.0                                                   | 30.0                                                |                       |                                      |                                     |                          |                    |                                                  | 30.0                                       | 0.0              | ---                     | ---         | 30.0                 |                      |                |                                      |                                     |                       |                           |                     |
| 385             |                      | 3                     | Schwalm                                                | 59.0                                                   | 59.0                                                |                       |                                      |                                     |                          |                    |                                                  | 59.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       | 42.1                      |                     |
| 386             |                      | 3                     | Purvis                                                 | 103.0                                                  | 103.0                                               |                       |                                      |                                     |                          |                    |                                                  | 103.0                                      | 0.0              | ---                     | ---         |                      | 103.0                |                |                                      |                                     |                       |                           |                     |
| 387             |                      | 5                     | Nelson,P.                                              | 56.0                                                   | 56.0                                                |                       |                                      |                                     |                          |                    |                                                  | 56.0                                       | 0.0              | ---                     | ---         |                      | 14.0                 |                |                                      |                                     |                       |                           |                     |
| 388             |                      | 5                     | Rieder (2)/Weld & Larimer School<br>Dist. (5)          | 35.0                                                   | 35.0                                                |                       |                                      |                                     |                          |                    |                                                  | 35.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 389             |                      | 2                     | Betz,S&P                                               | 75.0                                                   | 75.0                                                |                       |                                      |                                     |                          |                    |                                                  | 75.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 390             |                      | 2                     | Laune                                                  | 232.0                                                  | 232.0                                               |                       |                                      |                                     |                          |                    |                                                  | 232.0                                      | 0.0              | ---                     | ---         | 60.5                 | 131.1                |                |                                      |                                     |                       |                           |                     |
| 391             |                      | 2                     | TeVelde                                                | 43.0                                                   | 4.2                                                 | 0.0                   | 0.0                                  | 38.8                                |                          |                    |                                                  | 43.0                                       | 0.0              | ---                     | ---         |                      |                      |                | 0.0                                  | 38.8                                |                       |                           |                     |
| 392             |                      | 2/3                   | Chase                                                  | 73.0                                                   | 73.0                                                |                       |                                      |                                     |                          |                    |                                                  | 73.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 393             |                      | 2/3                   | Betz,E.                                                | 77.0                                                   | 77.0                                                |                       |                                      |                                     |                          |                    |                                                  | 77.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 394             |                      | 2                     | Sparks                                                 | 73.0                                                   | 73.0                                                |                       |                                      |                                     |                          |                    |                                                  | 73.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 395             |                      | 2                     | Anderson Farms/Loveland Dev<br>Fund                    | 221.0                                                  | 199.5                                               | 21.5                  |                                      |                                     |                          |                    |                                                  | 221.0                                      | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 396             |                      | 2                     | Ryan/Weins                                             | 157.0                                                  | 157.0                                               |                       |                                      |                                     |                          |                    |                                                  | 157.0                                      | 0.0              | ---                     | ---         |                      | 72.5                 |                |                                      |                                     |                       |                           |                     |
| 397             |                      | 2                     | LaPaz HOA                                              | 24.0                                                   | 24.0                                                |                       |                                      |                                     |                          |                    |                                                  | 24.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 398             |                      | 2                     | Robbins                                                | 22.0                                                   | 22.0                                                |                       |                                      |                                     |                          |                    |                                                  | 22.0                                       | 0.0              | ---                     | ---         | 22.0                 |                      |                |                                      |                                     |                       |                           |                     |
| 399             |                      | 2                     | Nelson,L.                                              | 18.0                                                   | 18.0                                                |                       |                                      |                                     |                          |                    |                                                  | 18.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 400             |                      | 2                     | Hoover/Smith                                           | 27.0                                                   | 27.0                                                |                       |                                      |                                     |                          |                    |                                                  | 27.0                                       | 0.0              | ---                     | ---         |                      | 13.5                 |                |                                      |                                     |                       |                           |                     |
| 401             |                      | 2                     | Hienessy                                               | 57.0                                                   | 57.0                                                |                       |                                      |                                     |                          |                    |                                                  | 57.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 402             |                      | 2                     | Pfenning                                               | 75.0                                                   | 75.0                                                |                       |                                      |                                     |                          |                    |                                                  | 75.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       | 41.3                      |                     |
| 403             |                      | 2                     | M&J Dairy                                              | 93.0                                                   | 93.0                                                |                       |                                      |                                     |                          |                    |                                                  | 93.0                                       | 0.0              | ---                     | ---         | 7.8                  |                      |                |                                      |                                     |                       |                           |                     |
| 404             | 7BT                  | 2                     | Ehrlich/Klein (DeGroot) (COL<br>BTDMC)                 | 75.7                                                   | 73.4                                                | 2.3                   |                                      |                                     |                          |                    |                                                  | 75.7                                       | 0.0              | ---                     | ---         | 28.4                 |                      |                |                                      |                                     |                       |                           |                     |
| 405             |                      | 2                     | Calvillio/Richman/Shirey/Banks                         | 70.0                                                   | 70.0                                                |                       |                                      |                                     |                          |                    |                                                  | 70.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 406             |                      | 5                     | Miller, H.                                             | 18.0                                                   | 18.0                                                |                       |                                      |                                     |                          |                    |                                                  | 18.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 407             |                      | 1                     | Hopkins/Roitsch/Moneypenny                             | 31.0                                                   | 31.0                                                |                       |                                      |                                     |                          |                    |                                                  | 31.0                                       | 0.0              | ---                     | ---         |                      | 7.8                  |                |                                      |                                     |                       |                           |                     |
| 408             |                      | 2                     | Mountain View Farms <sup>13</sup>                      | 136.0                                                  | 37.3                                                |                       | 59.9                                 | 38.8                                |                          |                    |                                                  | 136.0                                      | 0.0              | ---                     | ---         |                      | 37.3                 |                | 59.9                                 | 38.8                                |                       |                           |                     |
| 409             |                      | 1                     | Patterson HOA (Colson)                                 | 6.0                                                    | 6.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 6.0                                        | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 410             |                      | 5                     | Deneau, H. (Banks, D.)                                 | 1.0                                                    | 1.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 1.0                                        | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 411             |                      | 3                     | Miller, K.                                             | 10.0                                                   | 10.0                                                |                       |                                      |                                     |                          |                    |                                                  | 10.0                                       | 0.0              | ---                     | ---         |                      | 10.0                 |                |                                      |                                     |                       |                           |                     |
| 412             | 3                    | 5                     | Donas/Michall/Schlautman/ Soleta<br>(Lee) <sup>4</sup> | 102.0                                                  | 58.1                                                | 17.0                  | 11.2                                 | 5.7                                 | 10.0                     |                    |                                                  | 102.0                                      | 0.0              | ---                     | ---         |                      | 17.4                 | 17.0           | 11.2                                 | 5.7                                 | 10.0                  |                           |                     |
| 413             |                      | 3                     | Folker                                                 | 3.0                                                    | 3.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 3.0                                        | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 414             |                      | 2                     | Johnson, V./Wangnild                                   | 5.0                                                    | 5.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 5.0                                        | 0.0              | ---                     | ---         |                      | 3.3                  |                |                                      |                                     |                       | 1.67                      |                     |
| 415             |                      | 1                     | Johnston, G.                                           | 8.0                                                    | 8.0                                                 |                       |                                      |                                     |                          |                    |                                                  | 8.0                                        | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 416             |                      | 1                     | VonBernuth, R&C                                        | 35.0                                                   | 35.0                                                |                       |                                      |                                     |                          |                    |                                                  | 35.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 417             | 18                   | 2                     | Johnson/Taylor Family                                  | 32.9                                                   | 32.9                                                |                       |                                      |                                     |                          |                    |                                                  | 32.9                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |
| 418             | 23B                  | 2                     | Dollaghan, M.                                          | 39.0                                                   | 39.0                                                |                       |                                      |                                     |                          |                    |                                                  | 39.0                                       | 0.0              | ---                     | ---         |                      |                      |                |                                      |                                     |                       |                           |                     |

EXHIBIT B (CASE NO. 20CW3011)  
HISTORICAL CONDITIONS UNDER THE HOME SUPPLY DITCH SYSTEM  
SHARES/WATER RIGHTS, PARCELS, ACRES INVOLVED IN CHANGE CASES

| SECTION B: IRRIGATED ACRES BY WATER RIGHT AND CASE NO.        |                   |                    |                                                 |                                    |                                            |                 |                                |                               |                    |                 |                                         |                                |               |                   |             |                   |                   |             |                                |                               |                    |                              |                           |  |  |        |
|---------------------------------------------------------------|-------------------|--------------------|-------------------------------------------------|------------------------------------|--------------------------------------------|-----------------|--------------------------------|-------------------------------|--------------------|-----------------|-----------------------------------------|--------------------------------|---------------|-------------------|-------------|-------------------|-------------------|-------------|--------------------------------|-------------------------------|--------------------|------------------------------|---------------------------|--|--|--------|
| Map Ref. No.                                                  | Related Parcel(s) | Return Flow Sector | Owner/Former Owner                              | Net Irrigated Acres by Water Right |                                            |                 |                                |                               |                    |                 |                                         |                                |               | 98CW410           |             | 06CW224           | 20CW3011          |             |                                |                               |                    | 21CW3108                     |                           |  |  |        |
|                                                               |                   |                    |                                                 | Baseline Total Irrigated Acres     | Net Home Supply Share Acres <sup>1,2</sup> | Net BTDMC Acres | Net Early Koenig or Gard Acres | Net Late Koenig or Gard Acres | Net Rodeffer Acres | Net Handy Acres | Net Other Acres (e.g. South Side, etc.) | Total Home Supply SYSTEM Acres | (Acres Check) | Home Supply Acres | BTDMC Acres | Home Supply Acres | Home Supply Acres | BTDMC Acres | Net Early Koenig or Gard Acres | Net Late Koenig or Gard Acres | Net Rodeffer Acres | LTWD Home Supply Acres       | LTWD BTDMC Acres          |  |  |        |
| (1)                                                           | (2)               | (3)                | (4)                                             | (36)                               | (37)                                       | (38)            | (39)                           | (40)                          | (41)               | (42)            | (43)                                    | (44)                           | (45)          | (46)              | (47)        | (48)              | (49)              | (50)        | (51)                           | (52)                          | (53)               | (54)                         | (55)                      |  |  |        |
| 419                                                           | 52                | 5                  | Stroh, D./Fishburn, B.                          | 44.0                               | 44.0                                       |                 |                                |                               |                    |                 |                                         | 44.0                           | 0.0           | ---               | ---         | 44.0              |                   |             |                                |                               |                    |                              |                           |  |  |        |
| 501                                                           |                   |                    | Hewlett-Packard Company                         | 24.0                               | 24.0                                       |                 |                                |                               |                    |                 |                                         | 24.0                           | 0.0           | ---               | ---         | ---               |                   |             |                                |                               |                    |                              |                           |  |  |        |
| 502                                                           |                   |                    | Vogel, R. (Bearview/Ravencrest Heights Aug plan | ---                                | ---                                        |                 |                                |                               |                    |                 |                                         | 0.0                            |               | ---               | ---         | ---               |                   |             |                                |                               |                    |                              |                           |  |  |        |
| 503                                                           |                   | 5                  | Ludlow, E.                                      | ---                                | ---                                        |                 |                                |                               |                    |                 |                                         | 0.0                            |               | ---               | ---         | ---               | ---               |             |                                |                               |                    |                              |                           |  |  |        |
| Totals of System                                              |                   |                    |                                                 | 18,931.8                           | 15,678.62                                  | 677.7           | 210.5                          | 201.9                         | 100.7              | 1,755.0         | 307.3                                   | 16,869.5                       | 0.0           | 5,136.0           | 252.4       | 1,256.6           | 2,598.0           | 218.1       | 173.1                          | 200.1                         | 100.7              | 633.2                        | 33.4                      |  |  |        |
| Totals of Shares changed in 98CW410                           |                   |                    |                                                 | 5,660.1                            | 5,136.0                                    | 221.6           | 109.0                          | 39.0                          | 68.6               | 119.6           | 0.0                                     | 5540.5                         |               | 5,136.0           | 252.4       | ---               | ---               | 98.6        | 77.0                           | 39.0                          | 68.6               | 11.0                         | 0.0                       |  |  |        |
| Totals of Shares in the Handy Overlap Area (103-145)          |                   |                    |                                                 | 4,200.0                            | 2,309.5                                    | 173.8           | 0.0                            | 0.0                           | 0.0                | 1,635.3         | 81.4                                    | 2,483.3                        | 0.0           | 0.0               | 0.0         | 266.3             | 731.9             | 0.0         | 0.0                            | 0.0                           | 0.0                | 194.9                        | 33.4                      |  |  |        |
| Pulliam Family Koenig, Gard, Rodeffer (20CW3011) <sup>4</sup> |                   |                    |                                                 | 1,030.0                            | 586.6                                      | 172.1           | 113.2                          | 57.3                          | 100.7              | 0.0             | 0.0                                     | 1,030.0                        | 0.0           | 399.3             |             | 0.0               | 17.4              | 153.6       | 113.2                          | 57.3                          | 100.7              | ---                          |                           |  |  |        |
| 250 Parcels Johnstown "old" shares:                           |                   |                    |                                                 |                                    |                                            |                 |                                |                               |                    |                 |                                         |                                |               | 7.80              | 70.64       |                   |                   |             |                                |                               |                    |                              |                           |  |  | 674.45 |
| CHSDRC:                                                       |                   |                    |                                                 |                                    |                                            |                 |                                |                               |                    |                 |                                         |                                |               |                   |             | 8.03              | 7.49              | 172.22      | 20.10                          | 1.59                          | 53.30              | *Total of LTWD includes 7.86 |                           |  |  |        |
| Total:                                                        |                   |                    |                                                 |                                    |                                            |                 |                                |                               |                    |                 |                                         |                                |               |                   |             |                   |                   | ac/sh       | ac/sh                          | ac/cfs                        | AF/ac              | ac/cfs                       | ac for 'Tapley' HS share. |  |  |        |

Map Reference Number Code:  
Number 1 - 77: Included in 98CW410 (except #53B).  
  
Number 103 - 145: Included in stipulation with Berthoud concerning Han  
Number 200 - 419: Additional parcels identified by Delbert Helzer (ca. 201  
Numbers greater than 500: see comments.  
\_BT: Parcels irrigated by BTDMC shares and included in Case No. 98CW41

|       |                                          |
|-------|------------------------------------------|
| 7.86  | Systemwide HS Acres per Share            |
| 83.0  | Acres for Loveland Gard Water Right      |
| 78.6  | Acres for 10 Ludlow Shares (20CW3011)    |
| 78.6  | Acres for 10 Stephens Shares (307b)      |
| 7.86  | Acres for 1 LTWD Tapley Share (21CW3108) |
| 15.7  | Acres for 2 #60 sh (98CW410)             |
| 263.9 | Total additional "in-system" acres       |

|                    |       |
|--------------------|-------|
| Chg Factor         | 0.5   |
| HSD                | 11.56 |
| BTDMC              | 271.2 |
| 1 cfs #1 All Seas  | 141.5 |
| 1 cfs K/G #1 Deliv | 55.8  |

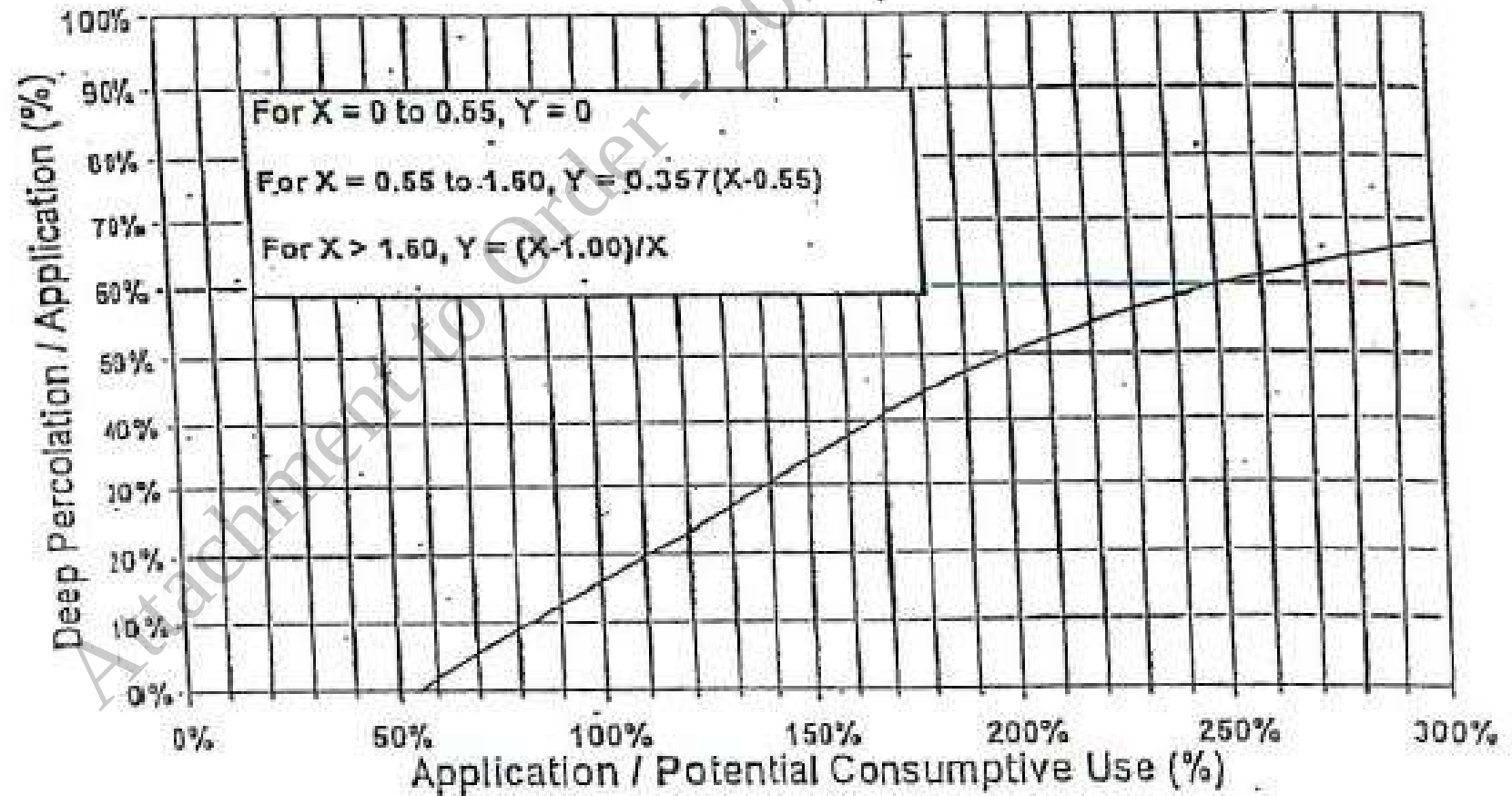
<sup>1</sup>The Exhibit A table in the Decree in Case No. 98CW410 reported only the tot  
Yields of Home Supply and Handy shares are 11.56 ac-ft/share, and yield of BT  
Table 2-4 in N. Hobbs report for Case No. 98CW410, dated March 21, 2000.  
<sup>2</sup>The proration originally decreed for the Handy Overlap Area was extended to  
<sup>3</sup>Parcel 53B was not included in Case No. 98CW410. It is counted with the Add  
<sup>4</sup>Representative farms previously owned by the Pulliam Family were assigned  
20CW3011.  
<sup>5</sup>City of Loveland changed its 1.0 cfs of Gard in Case No. 07CW325. The decree  
per share on those farms. Historically there was 36.1 ac-ft connected with Lov  
<sup>6</sup>Johnstown changed all 20.75 Johnson/Lawson (#44) HS shares in Case No. 98  
<sup>7</sup>Parcel #60 is in the Buckingham system. These 2 HS shares were traded into t  
<sup>8</sup>Effective acreage for Parcels 2BT & 7BT changed from 98CW410 Exhibit A Tab  
information from Johnstown, Loveland, and BTDMC.  
<sup>9</sup>M. Waggener (#128) owns 1 cfs of direct-flow Priority No. 1, not seasonally l  
<sup>10</sup>In Case No. 20CW3011, #140 combined into acreage and location of #384, w  
<sup>11</sup>'Wrangler Meadows' (#220) effective Home Supply and Koenig acres based o  
<sup>12</sup>Sauer (#203) Late Koenig water associated with 65.2 acres formerly owned l  
<sup>13</sup>Mountain View Farms (#408) owns 1 cfs of Early Gard and 36.1 ac-ft of Late  
<sup>14</sup>Peterson Farm (#125) is partially in both Sector 4 and Sector 5. Proportionat  
<sup>15</sup>Evans Ranch (#145) is partially in both Sector 4 and Sector 1. Proportionatel

| 20CW3011 Pulliam Family - 1,030 Acres Modeled in 1998 |            |                           |                         |                     |         |                    |
|-------------------------------------------------------|------------|---------------------------|-------------------------|---------------------|---------|--------------------|
| Water Right                                           | HCU, Ac-Ft | Total Effective Irrigated | Shares/ CFS/ Acre- Feet | Eff. Ac. Per Wtr Rt | HS Ac/% | BTDMC Ac/%         |
| HS & BTDMC                                            | 1,208.6    | 758.80                    | 101.50                  | n/a                 | 57.0%   | 16.7% <sup>*</sup> |
| Rodeffer                                              | 160.5      | 100.74                    | 1.89                    | 53.30               | 9.8%    |                    |
| Early Koenig                                          | 124.2      | 77.99                     | 4.61                    | 16.92               | 7.6%    |                    |
| Late Koenig                                           | 46.8       | 29.38                     | 72.00                   | 0.41                | 2.9%    |                    |
| Early Gard                                            | 56.0       | 35.18                     | 3.00                    | 11.73               | 3.4%    |                    |
| Late Gard                                             | 44.5       | 27.94                     | 108.20                  | 0.26                | 2.7%    |                    |
| Total                                                 | 1,640.6    | 1,030.02                  | ---                     | ---                 | 100.0%  |                    |
| Sum of Early K&G                                      |            | 113.17                    | 7.61                    |                     |         |                    |
| Sum of Late K&G                                       |            | 57.32                     | 180.20                  |                     |         |                    |

\*Assigned acres and % for HS and BTDMC based on relative delivery of each water right to the Pulliam farms in the IDSCU files for the 20CW3011 HCU analysis.

## Exhibit C

### Cottonwood Curve



**Exhibit D**  
**Big Thompson Ditch Priority No. 1 Return Flow Factors**  
Case No. 20CW3011

**Part A. Return Flow Factors for Surface and Sub-surface Return Flows for Big Thompson Ditch Priority No. 1 Water Rights Owned by Johnstown:**

| Early Koenig (4.61 cfs)           |        |        |        |        |        |        |        |        |        |        |        |        |        |
|-----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                   | Nov    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Factor    |        |        |        |        |        | 0.08%  | 0.11%  | 0.11%  | 0.11%  |        |        |        | 0.11%  |
| Sector 2 Surface Return Factor    |        |        |        |        |        | 14.01% | 12.43% | 11.89% | 10.23% |        |        |        | 11.70% |
| Sector 3 Surface Return Factor    |        |        |        |        |        | 1.90%  | 2.48%  | 2.58%  | 2.64%  |        |        |        | 2.55%  |
| Sector 5 Surface Return Factor    |        |        |        |        |        | 5.09%  | 6.66%  | 6.92%  | 7.10%  |        |        |        | 6.84%  |
| Total Surface Return Factor       |        |        |        |        |        | 21.07% | 21.68% | 21.49% | 20.09% |        |        |        | 21.20% |
| Sector 1 Subsurface Return Factor | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.009% | 0.108% |
| Sector 2 Subsurface Return Factor | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 0.98%  | 11.70% |
| Sector 3 Subsurface Return Factor | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 0.21%  | 2.55%  |
| Sector 5 Subsurface Return Factor | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 0.57%  | 6.84%  |
| Total Subsurface Return Factor    | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 1.77%  | 21.20% |
| Late Koenig (72 AF)               |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                   | Nov    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Flows     |        |        |        |        |        |        |        |        | 0.04   | 0.03   | 0.01   | 0.00   | 0.08   |
| Sector 2 Surface Return Flows     |        |        |        |        |        |        |        |        | 2.41   | 2.15   | 0.64   | 0.02   | 5.21   |
| Sector 3 Surface Return Flows     |        |        |        |        |        |        |        |        | 0.92   | 0.82   | 0.24   | 0.01   | 1.98   |
| Sector 5 Surface Return Flows     |        |        |        |        |        |        |        |        | 2.46   | 2.19   | 0.65   | 0.02   | 5.32   |
| Total Surface Return Flows        |        |        |        |        |        |        |        |        | 5.82   | 5.20   | 1.54   | 0.05   | 12.60  |
| Sector 1 Subsurface Return Factor | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.010% | 0.117% |
| Sector 2 Subsurface Return Factor | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 0.60%  | 7.24%  |
| Sector 3 Subsurface Return Factor | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 0.23%  | 2.75%  |
| Sector 5 Subsurface Return Factor | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 0.62%  | 7.39%  |
| Total Subsurface Return Factor    | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 17.50% |
| Early Gard (4 cfs)                |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                   | Nov    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Factor    |        |        |        |        |        | 0.01%  | 0.05%  | 0.06%  | 0.06%  |        |        |        | 0.06%  |
| Sector 2 Surface Return Factor    |        |        |        |        |        | 19.26% | 16.25% | 15.36% | 14.44% |        |        |        | 15.50% |
| Sector 3 Surface Return Factor    |        |        |        |        |        | 0.20%  | 1.21%  | 1.37%  | 1.49%  |        |        |        | 1.32%  |
| Sector 5 Surface Return Factor    |        |        |        |        |        | 0.53%  | 3.25%  | 3.69%  | 4.00%  |        |        |        | 3.56%  |
| Total Surface Return Factor       |        |        |        |        |        | 20.00% | 20.75% | 20.48% | 20.00% |        |        |        | 20.43% |
| Sector 1 Subsurface Return Factor | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.056% |
| Sector 2 Subsurface Return Factor | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 1.29%  | 15.50% |
| Sector 3 Subsurface Return Factor | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 1.32%  |
| Sector 5 Subsurface Return Factor | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 0.30%  | 3.56%  |
| Total Subsurface Return Factor    | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 1.70%  | 20.43% |
| Late Gard (144.3 AF)              |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                   | Nov    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Flows     |        |        |        |        |        |        |        |        | 0.04   | 0.03   | 0.01   | 0.00   | 0.08   |
| Sector 2 Surface Return Flows     |        |        |        |        |        |        |        |        | 8.25   | 7.50   | 2.39   | 0.08   | 18.23  |
| Sector 3 Surface Return Flows     |        |        |        |        |        |        |        |        | 0.92   | 0.78   | 0.19   | 0.00   | 1.89   |
| Sector 5 Surface Return Flows     |        |        |        |        |        |        |        |        | 2.46   | 2.10   | 0.50   | 0.01   | 5.06   |
| Total Surface Return Flows        |        |        |        |        |        |        |        |        | 11.66  | 10.41  | 3.08   | 0.10   | 25.25  |
| Sector 1 Subsurface Return Factor | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.005% | 0.056% |
| Sector 2 Subsurface Return Factor | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 1.05%  | 12.63% |
| Sector 3 Subsurface Return Factor | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 0.11%  | 1.31%  |
| Sector 5 Subsurface Return Factor | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 0.29%  | 3.51%  |
| Total Subsurface Return Factor    | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 17.50% |
| Rodeffer (1.89 cfs)               |        |        |        |        |        |        |        |        |        |        |        |        |        |
|                                   | Nov    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Factor    |        |        |        |        |        | 0.13%  | 0.13%  | 0.13%  | 0.13%  | 0.13%  | 0.13%  | 0.13%  | 0.13%  |
| Sector 2 Surface Return Factor    |        |        |        |        |        | 8.27%  | 8.27%  | 8.27%  | 8.27%  | 8.27%  | 8.27%  | 8.27%  | 8.27%  |
| Sector 3 Surface Return Factor    |        |        |        |        |        | 3.15%  | 3.15%  | 3.15%  | 3.15%  | 3.15%  | 3.15%  | 3.15%  | 3.15%  |
| Sector 5 Surface Return Factor    |        |        |        |        |        | 8.45%  | 8.45%  | 8.45%  | 8.45%  | 8.45%  | 8.45%  | 8.45%  | 8.45%  |
| Total Surface Return Factor       |        |        |        |        |        | 20.00% | 20.00% | 20.00% | 20.00% | 20.00% | 20.00% | 20.00% | 20.00% |
| Sector 1 Subsurface Return Factor | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.011% | 0.134% |
| Sector 2 Subsurface Return Factor | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 0.69%  | 8.27%  |
| Sector 3 Subsurface Return Factor | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 3.15%  |
| Sector 5 Subsurface Return Factor | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 0.70%  | 8.45%  |
| Total Subsurface Return Factor    | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 1.67%  | 20.00% |

**Part B. Return Flow Factors for Surface and Sub-surface Return Flows for Late Koenig Water Rights not Owned by Johnstown:**

| DeVries Late Koenig (47 AF)       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|-----------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|
|                                   | Nov   | Dec   | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Annual |
| Sector 2 Surface Return Flows     |       |       |       |       |       |       |       |       | 3.93  | 3.39  | 1.00  | 0.03  | 8.35   |
| Sector 2 Subsurface Return Factor | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 1.48% | 17.78% |
| Sauer Late Koenig (54.2 AF)       |       |       |       |       |       |       |       |       |       |       |       |       |        |
|                                   | Nov   | Dec   | Jan   | Feb   | Mar   | Apr   | May   | Jun   | Jul   | Aug   | Sep   | Oct   | Annual |
| Sector 3 Surface Return Flows     |       |       |       |       |       |       |       |       | 4.38  | 3.91  | 1.16  | 0.04  | 9.49   |
| Sector 3 Subsurface Return Factor | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 1.46% | 17.50% |

**Part C. Return Flow Factors for Surface and Sub-surface Return Flows for Late Koenig Water Rights upon Sole Ownership by Johnstown:**

|                                   | Late Koenig (173.2 AF) |        |        |        |        |        |        |        |        |        |        |        |        |
|-----------------------------------|------------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
|                                   | Nov                    | Dec    | Jan    | Feb    | Mar    | Apr    | May    | Jun    | Jul    | Aug    | Sep    | Oct    | Annual |
| Sector 1 Surface Return Flows     |                        |        |        |        |        |        |        |        | 0.04   | 0.03   | 0.01   | 0.00   | 0.08   |
| Sector 2 Surface Return Flows     |                        |        |        |        |        |        |        |        | 6.33   | 5.54   | 1.64   | 0.05   | 13.57  |
| Sector 3 Surface Return Flows     |                        |        |        |        |        |        |        |        | 5.29   | 4.73   | 1.40   | 0.04   | 11.47  |
| Sector 5 Surface Return Flows     |                        |        |        |        |        |        |        |        | 2.46   | 2.19   | 0.65   | 0.02   | 5.32   |
| Total Surface Return Flows        |                        |        |        |        |        |        |        |        | 14.12  | 12.50  | 3.70   | 0.12   | 30.44  |
| Sector 1 Subsurface Return Factor | 0.004%                 | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.004% | 0.049% |
| Sector 2 Subsurface Return Factor | 0.65%                  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 0.65%  | 7.83%  |
| Sector 3 Subsurface Return Factor | 0.55%                  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 0.55%  | 6.62%  |
| Sector 5 Subsurface Return Factor | 0.26%                  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 0.26%  | 3.07%  |
| Total Subsurface Return Factor    | 1.46%                  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 1.46%  | 17.58% |



**EXHIBIT E**  
**Case No. 20CW3011**  
**City of Loveland Replacement Supplies**

| Case No.                          | Water Right / Ditch Company                                                                                                              | Loveland Ownership                                                                          | Type(s) and Place(s) of Use                                                                                                                                                                                                                                                                                                                                                               |
|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Direct Flow Water Rights</b>   |                                                                                                                                          |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                           |
| 04CW358                           | Loveland Pipeline                                                                                                                        | 71.3 cfs                                                                                    | Decreed for, among other things, “replacement of depletions resulting from the use of water from other sources” ¶ 2.6, at pg 2.                                                                                                                                                                                                                                                           |
| <b>Changed Water Rights</b>       |                                                                                                                                          |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                           |
| 00CW108 / 03CW354                 | Big Thompson Ditch & Mfg Company<br>Barnes Ditch<br>Chubbuck Ditch<br>George Rist (Buckingham) Ditch<br>Louden Ditch<br>South Side Ditch | 2.583 shares<br>1306.75 inches<br>596.6 inches<br>6.1 shares<br>191.5 shares<br>57.5 shares | Decreed for replacement use, among other things. Stored portion of changed rights may be reused “after storage at any place of use and for any purpose, including ... replacement.” ¶ 4.1.1, at pg. 11.                                                                                                                                                                                   |
| 02CW392                           | Big Thompson Ditch & Mfg Company<br>Barnes Ditch<br>Chubbuck Ditch<br>George Rist (Buckingham) Ditch<br>Louden Ditch<br>South Side Ditch | 3.811 shares<br>24.5 inches<br>815.001 inches<br>89.25 shares<br>61.547 shares<br>23 shares | Decreed for replacement use, among other things, including by reuse outside of Loveland’s service area by lease or trade. ¶¶ 8.2, 8.3, at pg. 13.                                                                                                                                                                                                                                         |
| 07CW325                           | Loveland Gard Right                                                                                                                      | 1.0 cfs                                                                                     | Decreed for, among other things, use “directly or stored and subsequently used, for ... replacement” including “uses outside of Loveland’s service area” by lease or trade. ¶¶ 16.2, 16.3, at pg. 11.<br><br>1.0 cfs until July 14 and 0.5 cfs thereafter.                                                                                                                                |
| <b>Storage Water Rights</b>       |                                                                                                                                          |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                           |
| 18CW3215                          | Great Western Reservoir                                                                                                                  | 1,600 af                                                                                    | Estimated reservoir capacity.<br><br>Decreed for, among other things, “replacement” and “replacement of return flows” “within and outside of Loveland’s existing and future service area” including replacement as “authorized by separate decree ... and/or pursuant to contracts or agreements to deliver water to other entities if authorized by separate decree...” ¶ 8.10 at pg. 4. |
| <b>Transmountain Water Rights</b> |                                                                                                                                          |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                           |
| Various                           | Windy Gap Project Water*                                                                                                                 | 40 units                                                                                    | Including water stored in Chimney Hollow Reservoir under the Windy Gap Firming Project.                                                                                                                                                                                                                                                                                                   |
| <b>Exchange Water Rights</b>      |                                                                                                                                          |                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                           |
| 02CW393                           | Big Thompson River Exchanges                                                                                                             | 18.5 cfs                                                                                    | Exchanges from gravel pits located upstream of the Loveland WWTP.<br><br>Exchange sources of substitute supply include but are not limited to those sources described above.                                                                                                                                                                                                              |
| 02CW394                           | Big Thompson River Exchanges                                                                                                             | 75.0 cfs                                                                                    | Exchanges from Loveland WWTP and gravel pits located downstream of the Loveland WWTP.<br><br>Exchange sources of substitute supply include but are not limited to those sources described above.                                                                                                                                                                                          |

Any use of Loveland’s surface or subsurface lawn irrigation return flows (“LIRFs”) as a replacement supply and Loveland LIRF Delivery Quantification Points as a location of replacement, as defined in paragraph 12(b)(iii)(2)(f) of the 21CW3023 Decree, shall be pursuant to and in accordance with the terms and conditions of the 18CW3193 Decree.

**Exhibit F**  
**Case No. 20CW3011**  
**Little Thompson Water District Replacement Supplies**

1. Case No. 21CW3108 -- Little Thompson's interests changed therein, pursuant to the terms and conditions of the decree pending in Case No. 21CW3108.
2. Case No. 05CW263 -- Little Thompson's interests adjudicated therein, including exchanges, and releases from storage in Bayshore Lakes. Decreed types of use include, among other things, "replacement, return flow, or other obligations..." ¶¶ 7.5 and 9.5 at pgs. 3 and 6.
3. Water delivered under 57.7 Handy Ditch Company shares owned by the District, once such shares have been changed to allow use for replacement of return flows. This source may be used by Johnstown to replace return flow obligations associated with Johnstown's change of the Subject Water Rights only as allowed by the applicable terms and conditions of a future change decree(s) by Little Thompson authorizing return flow replacement use by contract or agreement with other parties.
4. Water delivered under 30 Boulder and Larimer County Irrigation and Manufacturing Company Shares owned by the District, once such shares have been changed to allow use for replacement of return flows. This source may be used by Johnstown to replace return flow obligations associated with Johnstown's change of the Subject Water Rights only as allowed by the applicable terms and conditions of a future change decree(s) by Little Thompson authorizing return flow replacement use by contract or agreement with other parties.
5. Water delivered under 9 shares in the Supply Ditch Company owned by the District, once such shares have been changed to allow use for replacement of return flows. This source may be used by Johnstown to replace return flow obligations associated with Johnstown's change of the Subject Water Rights only as allowed by the applicable terms and conditions of a future change decree(s) by Little Thompson authorizing return flow replacement use by contract or agreement with other parties.
6. Water delivered under 20 units in the Windy Gap Project owned by the District.
7. Wastewater effluent from the City of Loveland delivered under a 2020 IGA between the District and Loveland.

Exhibit G  
Case No. 20CW3011  
Town of Berthoud Replacement Supplies

1. Water Rights Changed in Case No. 21CW3023 (“Changed Water Rights”): Berthoud’s initial or successive use of the Changed Water Rights within its municipal system will result in fully consumable, reusable effluent return flows. The Changed Water Rights, including any return flows, may be used, reused, and successively used to extinction for all decreed purposes, including but not limited to use as a replacement supply. Berthoud will quantify reusable return flows derived from the Changed Water Rights using the methodology described in paragraph 12.b.v. of the 21CW3023 Decree. Berthoud may also directly release the Changed Water Rights from the Ryan Gulch Reservoir outlet for direct application to replacement purposes on the Big Thompson River.
2. Windy Gap Project water: Fully consumable effluent associated with Berthoud’s use of its Windy Gap Project water. Berthoud currently owns 8 Units of Windy Gap Project water. The water rights for the Windy Gap Project are in the Colorado River Basin and consist of the Windy Gap Pump, Pipeline, and Canal; Windy Gap Pump, Pipeline, and Canal First Enlargement; Windy Gap Pump, Pipeline, and Canal Second Enlargement; and Windy Gap Reservoir. These water rights were originally decreed in Case No. CA-1768, Grand County District Court on October 27, 1980, and in Case Nos. W-4001 and 80CW108, District Court, Water Division 5 on October 27, 1980. In addition, decrees awarding absolute water rights for municipal, industrial, irrigation, and recreational uses, including reuse, successive use, and use to extinction for the Windy Gap Reservoir; Windy Gap Pump, Pipeline and Canal; and Windy Gap Pump, Pipeline, and Canal First and Second Enlargements were entered in Case No. 88CW169, Water Division 5 (February 6, 1989) and Case No. 89CW298, Water Division 5 (July 19, 1990). Windy Gap Project water is introduced, stored, carried, and delivered in and through the components of the Colorado Big Thompson Project, co-operated by the Northern Colorado Water Conservancy District and the Bureau of Reclamation. Windy Gap Project water is imported foreign water that is available for use, reuse, and successive use until extinction. Berthoud will quantify reusable return flows derived from the Windy Gap Project water using the methodology described in paragraph 12.b.v. of the 21CW3023 Decree.
3. Changed Handy Ditch shares: Berthoud changed 7.5 Handy Ditch Company shares in Case No. 00CW110, by a decree dated December 8, 2010 (“Changed Handy Shares”). The Changed Handy Shares are decreed for all municipal uses, including but not limited to domestic, irrigation, commercial, industrial, recreation, fishery, piscatorial, wildlife, augmentation, replacement, and substitution, and storage of the Handy Ditch Company’s direct flow water rights. The Changed Handy Shares, including any municipal return flows derived therefrom, may be used by Berthoud by reuse, successive use, disposition, augmentation, replacement, and substitution and exchange. Municipal return flows associated with the Changed Handy Shares will be quantified in accordance with the methodology decreed in Case No. 00CW110.